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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046185
Party	Defendant Pro Football, Inc.
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Attachments	Appendix part 15_1996.03.26 Cooke Deposition.pdf (65 pages)(1585130 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 1,606,810 (REDSKINETTES)
Registered July 17, 1990,

Registration No. 1,085,092 (REDSKINS)
Registered February 7, 1978,

Registration No. 987,127 (THE REDSKINS & DESIGN)
Registered June 25, 1974,

Registration No. 986,668 (WASHINGTON REDSKINS & DESIGN)
Registered June 18, 1974,

Registration No. 978,824 (WASHINGTON REDSKINS)
Registered February 12, 1974,

and Registration No. 836,122 (THE REDSKINS—STYLIZED LETTERS)
Registered September 26, 1967

Amanda Blackhorse, Marcus Briggs,)	Cancellation No. 92/046,185
Phillip Gover, Jillian Papan, and)	
Courtney Tsotigh,)	
)	
Petitioners,)	
)	
v.)	
)	
Pro-Football, Inc.,)	
)	
<u>Registrant.</u>)	

DEPOSITION TRANSCRIPT OF JOHN KENT COOKE, MARCH 26, 1996

PART 15

Respectfully Submitted,

/s/ Robert L. Raskopf

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In The Matter Of:

*SUZAN SHOWN HARJO, RAYMOND D. APODACA, et al. v.
PRO-FOOTBALL, INC.*

*JOHN KENT COOKE
March 26, 1996*

*Beta Reporting
910 17th Street, N.W.
Suite 200
Washington, DC 20006
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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL
BOARD
[4] In re Registration No. 1,606,810:
(Redskinettes), Registered
July 17, 1990,
Registration No. 1,343,442 (Skins):
Registered June 18, 1985,
Registration No. 1,085,092
(Redskins).
Registered February 7, 1978,
Registration No. 987,127
(The Redskins & Design)
Registered June 25, 1974,
Registration No. 986,668
(Washington Redskins & Design):
Registered June 18, 1974,
Registration No. 978,824
(Washington Redskins)
Registered February 12, 1974, Cancellation
and Registration No. 836,122 : No. 21,069
(The Redskins - Stylized Letters):
Registered September 26, 1967:
SUZAN SHOWN HARJO, RAYMOND D. :
APODACA, VINE DeLORIA, JR., :
NORBERT S. HILL, JR., MATEO :
ROMERO, WILLIAM A. MEANS, and :
MANLEY A. BEGAY, JR.,
Petitioners,
v.
PRO-FOOTBALL, INC.,
Respondents.
Washington, D.C.
Tuesday, March 26, 1996

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Deposition of
JOHN KENT COOKE
a witness, called for examination by counsel for the
Petitioners, pursuant to notice of counsel, held at
the law offices of Dorsey & Whitney, Suite 200, 1330
Connecticut Avenue, N.W., Washington, D.C., beginning
at 10:05 a.m., before Monica A. Voorhees, RPR/CSR and
notary public in and for the District of Columbia,
when were present on behalf of the respective
parties:
APPEARANCES:
On behalf of Petitioners:
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Dorsey & Whitney
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(612) 340-2600
On behalf of Respondents:
JOHN PAUL REINER, ESQUIRE
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[1] PROCEEDINGS
[2] Whereupon,
[3] JOHN KENT COOKE [4] was called as a
witness and, having been first duly [5]
sworn, was examined and testified as

follows:

[6] EXAMINATION BY COUNSEL FOR
PETITIONERS
[7] BY MR. LINDSAY:
[8] Q: Would you please state your name.
[9] A: John Kent Cooke.
[10] Q: Senior?
[11] A: No.
[12] Q: John Kent Cooke?
[13] A: Yes.
[14] Q: Is there a John Kent Cooke, Jun-
ior?
[15] A: Yes.
[16] Q: And you are not he?
[17] A: Right.
[18] Q: That's your son; is that correct?
[19] A: Yes.
[20] Q: Sir, have you ever testified in Court
[21] before?
[22] A: In Court, yes.

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[1] Q: When was that?
[2] A: That was last year in the District of
[3] Columbia for a traffic violation, which
was [4] dismissed, I must add.
[5] Q: The charge was against yourself?
[6] A: Yes.
[7] Q: What kind of charge?
[8] A: Not having my driver's license,
failure to [9] obey a police officer and that
was it, I think, two.
[10] Q: Were there any allegations that
you were [11] driving while under the
influence of alcohol?
[12] A: No.
[13] Q: Have you ever had your dep-
osition taken [14] before?
[15] A: Yes.
[16] Q: On how many occasions?
[17] A: I would say half a dozen.
[18] Q: In what types of cases, just gener-
ally?
[19] A: Business and personal, generally.
[20] Q: Have any of the occasions of your
prior [21] depositions been in matters
involving Pro-Football, [22] Inc.?

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[1] A: Not that I can recall.
[2] Q: Or the Redskins name or trade-
marks?
[3] A: No.
[4] Q: Sir, from the manner in which you
have been [5] answering questions and
from the fact that you've had [6] your
deposition taken before, I gather that
you are [7] familiar with the basic rules of
deposition taking. [8] But let me just
quickly run over them.

[9] If at any time, sir, you wish to take a [10]
break during this deposition, just let me
know and [11] we'll try to arrange a
convenient time; is that [12] agreeable?

[13] A: Thank you.

[14] Q: And as you will have gathered, I
will be [15] asking questions and you will
be providing answers. [16] And I would
like to ask for two matters of [17] coop-
eration from you.

[18] First, sir, actually, three, if you would
[19] make sure that your answers are
audible so that the [20] court reporter can
hear them and take them down, that [21]
would be helpful.

[22] A: Am I speaking too low?

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[1] Q: No.
[2] A: Because I am hard of hearing and I
brought [3] my hearing aids just in case
we were in a larger room, [4] and that
would help me balance the voice if you
can't [5] hear me.

[6] Q: And, sir, the second item is if you
would [7] permit me to complete my
questions or statements [8] before you
start your answers, that will also help [9]
our court reporter as she is trying to take
down the [10] words said by everyone in
this room; is that [11] agreeable?

[12] A: It is.

[13] Q: Sir, if at any time you either do not
hear [14] one of my questions or do not
understand any of the [15] words I am
using, would you please ask me either to
[16] repeat the question or to clarify it for
you?

[17] A: I will.

[18] Q: You understand, sir, that you have
been [19] administered an oath?

[20] A: Yes.

[21] Q: And, that is, it is the same oath that
you [22] would have been administered in
a Court of law?

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[1] A: Yes.
[2] Q: And that you are obliged to answer
my [3] questions truthfully?

[4] A: Yes.

[5] Q: Is there any reason, sir, why you
cannot [6] give your best testimony
today?

[7] A: None.

[8] Q: You're not under any medications
that might [9] affect your ability to recall?

[10] A: None.

[11] Q: Sir, we will be using a number of
words [12] during today's deposition and
so that we have clarity [13] of under-
standing during the deposition, there are
a [14] few words that I would like to ask
you about in [15] particular.

[16] Do you have an understanding of the word [17] disparage?

[18] A: Yes.

[19] Q: What is your understanding of that word?

[20] A: My understanding of that word disparage is [21] to ridicule, to make fun of something.

[22] Q: To degrade or speak slightly of?

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[1] A: Yes, I would agree with that.

[2] Q: Do you have an understanding of the word [3] scandalous?

[4] A: Yes.

[5] Q: What is your understanding of the word [6] scandalous?

[7] A: Something that is said with meanness that [8] could injure someone.

[9] Q: By injure, do you mean give offense?

[10] A: Yes.

[11] Q: Sir, are you currently employed?

[12] A: Yes.

[13] Q: Where are you currently employed?

[14] A: At the Washington Redskins.

[15] Q: What is your position?

[16] A: Executive vice president.

[17] Q: When you say you are employed with the [18] Washington Redskins, what is the legal name of the [19] entity that employs you?

[20] A: Two entities, Pro-Football, Inc., and Jack [21] Kent Cooke, Incorporated, the holding company.

[22] Q: Jack Kent Cooke, Incorporated, is the

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[1] holding company of Pro-Football, Inc.?

[2] A: That's correct.

[3] Q: And in each of those two organizations you [4] hold the title of executive vice president?

[5] A: In Pro-Football, Inc., I hold the title of [6] executive vice president and in Jack Kent Cooke, [7] Incorporated, I am a director.

[8] Q: Is that to say a member of the board of [9] directors?

[10] A: I beg your pardon, yes.

[11] Q: Do you hold any position as officer in Jack [12] Kent Cooke, Incorporated?

[13] A: I am a shareholder in that corporation.

[14] Q: But other than director, you hold no other [15] title in that organization?

[16] A: Not that I can recall.

[17] Q: Again, sir, if you would permit me to [18] complete my questions before beginning your answers, [19] that will assist our court reporter.

[20] What other positions, if any, sir, have you [21] held with Pro-Football, Inc., besides executive vice [22] president?

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[1] A: None.

[2] Q: How long have you been executive vice [3] president of Pro-Football, Inc.?

[4] A: I think 1981.

[5] Q: And prior to 1981 or approximately that [6] year, you held no position with Pro-Football, Inc.?

[7] A: That's correct - excuse me, I might have [8] been a director of Pro-Football, Inc., from '78 [9] through '81, director of the board of directors.

[10] Q: Other than your position as director, if, [11] indeed you held it, from 1978 to '81, and your [12] position as executive vice president of Pro-Football, [13] Inc., since 1981, have you held any other positions [14] as officer, director or employee of any organization [15] associated with the team known as the Washington [16] Redskins?

[17] A: Would you repeat the question, please.

[18] MR. LINDSAY: Would you please read the [19] question back.

[20] (The reporter read the record as [21] requested.)

[22] BY MR. LINDSAY:

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[1] Q: And let me add one qualification, sir. [2] You've already told me that you serve as a director [3] of Jack Kent Cooke, Inc. I'm just trying to make [4] sure that I understand each position that you have [5] held with any organization that is associated with [6] the Washington football team.

[7] A: None.

[8] Q: What are your responsibilities as executive [9] vice president of Pro-Football, Inc.?

[10] A: The daily operation of the football club.

[11] Q: Can you illustrate to me what you mean by [12] daily operation of the football club?

[13] A: It would be the administration, the [14] managing, the overseeing of every department [15] concerning the Washington Redskins.

[16] Q: Is one of your responsibilities the hiring [17] and firing of football players?

[18] A: It is the overseeing of the hiring and [19] firing of football players.

[20] Q: Who does the hiring and firing?

[21] A: It's a combination of people. It

would be [22] the head coach, the general manager, myself and my

Page 13

[1] father.

[2] Q: Do you have any responsibilities with [3] respect to advertising or promotion of the Washington [4] football team?

[5] A: Yes.

[6] Q: What are those responsibilities?

[7] A: To oversee the promotion and advertising of [8] the Washington Redskins.

[9] Q: Who reports to you on that topic?

[10] A: It would be a number of people. It would [11] be my son John, John Kent Cooke, Junior, his [12] associate, John Wagner. They are in the marketing [13] department.

[14] And in the PR department we have Rick [15] Vaughan, the PR director, Mike McCall and Chris [16] Heline.

[17] Q: The two additional names you gave me, sir, [18] are also in the PR department?

[19] A: They are.

[20] Q: What are Mr. Rick Vaughan's [21] responsibilities?

[22] A: He is in charge of the public relations for

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[1] the Washington Redskins. Among those [2] responsibilities would be the dealing with the press, [3] writing press releases, the overseeing of our [4] publications we produce; that is, the text, the copy, [5] the editorial content. It would be the personal [6] appearances of the players and the coaches and the [7] coordination of the coverage by television and radio, [8] among other things.

[9] Q: How old are you, sir?

[10] A: I'm 54.

[11] Q: You've referred a moment ago, sir, to your [12] father. Is that Mr. Jack Kent Cooke?

[13] A: Yes.

[14] Q: Would it be fair to say that there have [15] been times in Mr. Jack Kent Cooke's life when you [16] have not been personally present?

[17] A: Yes.

[18] MR. REINER: Seems rather obvious, [19] Counselor.

[20] MR. LINDSAY: Yes, Counselor, and it's [21] rather obvious that his father should be produced in [22] response to a notice and I believe I'm entitled to

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[1] lay whatever foundation I want for my record.

[2] MR. REINER: Counsel, please don't ar-

gue on [3] the record.

[4] **MR. LINDSAY:** You began with the [5] statement -

[6] **MR. REINER:** Because it was an extraneous [7] comment. Why don't you go on, Counselor.

[8] **BY MR. LINDSAY:**

[9] **Q:** What is Mr. Jack Kent Cooke's position in [10] Jack Kent Cooke, Incorporated?

[11] **A:** He is the chairman of the Board, a [12] director, an officer and principal shareholder.

[13] **Q:** When you say he is an officer, what title [14] does he hold?

[15] **A:** I don't recall exactly to answer correctly.

[16] **Q:** Does Mr. Jack Kent Cooke also hold any [17] positions in Pro-Football, Inc.?

[18] **A:** Yes.

[19] **Q:** What positions does he hold?

[20] **A:** He is chairman of the Board, he is [21] president and a director.

[22] **Q:** Are there any other organizations

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[1] associated with the Washington football team in which [2] Mr. Jack Kent Cooke holds any positions?

[3] **A:** Would you repeat the question, please.

[4] **Q:** Are there any other organizations [5] associated with the Washington football team in which [6] Mr. Jack Kent Cooke holds any positions?

[7] **A:** The - yes.

[8] **Q:** What organizations are those and then if [9] you would, sir, please tell me Mr. Jack Kent Cooke's [10] positions within those organizations.

[11] **MR. REINER:** It's a compound question, [12] Counselor. Object to the form. You may answer.

[13] **BY MR. LINDSAY:**

[14] **Q:** Please tell me the organizations.

[15] **A:** It's the National Football League.

[16] **Q:** Are there any other organizations [17] associated with the Washington football team in which [18] Mr. Jack Kent Cooke holds any position?

[19] **A:** Not that I can recall.

[20] **Q:** What is Mr. Jack Kent Cooke's position in [21] the National Football League?

[22] **A:** He is a member of the executive committee.

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[1] **Q:** Any other positions?

[2] **A:** Not that I can recall exactly.

[3] **Q:** Sir, would it be fair to say that you have [4] not been present every time Mr.

Jack Kent Cooke has [5] written a letter on the topic of the name Redskins?

[6] **A:** That is correct.

[7] **Q:** Would it be fair to say that you have not [8] been present on every occasion when Mr. Jack Kent [9] Cooke has had a conversation on the subject of the [10] team name?

[11] **MR. REINER:** Object to the form of the [12] question. You may answer.

[13] **THE WITNESS:** I suppose so.

[14] **BY MR. LINDSAY:**

[15] **Q:** And, sir, a number of times during this [16] deposition your counsel may wish to object to some of [17] my questions. The purpose of his making those [18] objections, as I understand it, is to preserve [19] objections for the record so that the adjudicator can [20] later determine whether or not my questions were [21] proper or the objections were well taken.

[22] Unless your counsel instructs you

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[1] otherwise, you may answer a question to which your [2] counsel has made an objection; is that agreeable?

[3] **MR. REINER:** You'll always know, Mr. Cooke, [4] whether or not I've instructed you not to answer and [5] if I don't instruct you, I'll tell you to answer if I [6] make an objection.

[7] **THE WITNESS:** That's agreeable.

[8] **BY MR. LINDSAY:**

[9] **Q:** Sir, are you aware that Mr. Jack Kent Cooke [10] has been reported as saying, "I have spoken to many, [11] many Indian chiefs who say they have no objection [12] whatsoever to the nickname of the Washington football [13] team"?

[14] **MR. REINER:** Object to the form of the [15] question. You may answer it, if you can.

[16] **THE WITNESS:** I am not aware of that.

[17] **BY MR. LINDSAY:**

[18] **Q:** Assuming that Mr. Jack Kent Cooke has, [19] indeed, had conversations with many, many Indian [20] chiefs who have said they have no objection [21] whatsoever to the nickname, I take it then that you [22] were not present on all of those occasions; is that

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[1] correct?

[2] **MR. REINER:** Object to the form of the [3] question. You may answer, if you can.

[4] **THE WITNESS:** I think that that's a [5] hypothetical question.

[6] **MR. REINER:** It is. You may answer it, if [7] you can.

[8] **THE WITNESS:** I can't answer it.

[9] **BY MR. LINDSAY:**

[10] **Q:** Assuming that Mr. Jack Kent Cooke has, [11] indeed, had conversations with many, many Indian [12] chiefs who have said they have no objection [13] whatsoever to the Washington football team's [14] nickname, I take it then, sir, that you are not able [15] to identify each such Indian chief with whom Mr. Jack [16] Kent Cooke has had such conversations?

[17] **MR. REINER:** Object to the form of the [18] question. I believe the witness has indicated that [19] he doesn't know the answer to your question, but you [20] may answer anyway.

[21] **THE WITNESS:** I can't answer that.

[22] **BY MR. LINDSAY:**

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[1] **Q:** Would it be fair to say, sir, that you do [2] not have personal knowledge of every unspoken thought [3] in the mind of Jack Kent Cooke?

[4] **MR. REINER:** Object to the form of the [5] question. Don't even answer that question. We'll [6] take a ruling on that one, Counselor.

[7] **MR. LINDSAY:** Are you instructing the [8] witness not to answer?

[9] **MR. REINER:** Yes, I am.

[10] **MR. LINDSAY:** Thank you.

[11] **BY MR. LINDSAY:**

[12] **Q:** Sir, what does the word Redskin mean to [13] you?

[14] **MR. REINER:** May I have the question back, [15] please.

[16] (The reporter read the record as [17] requested.)

[18] **THE WITNESS:** It means the Washington [19] Redskins football club.

[20] **BY MR. LINDSAY:**

[21] **Q:** Does the word Redskin mean anything else to [22] you?

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[1] **A:** No.

[2] **Q:** Have you ever looked up the word Redskin in [3] any dictionary?

[4] **A:** No.

[5] **Q:** Has anyone ever told you any dictionary [6] meanings of the word Redskin?

[7] **A:** No.

[8] **Q:** Sir, are there any circumstances in which [9] you would use the word Redskin face-to-face with an [10] American-Indian?

[11] **MR. REINER:** Object to the form of the [12] question. Answer it, if you can.

[13] **THE WITNESS:** I can't answer that question [14] either.

[15] **BY MR. LINDSAY:**

[16] Q: Let me break it down. Have there been any [17] occasions on which you have used the word Redskin [18] face-to-face in a conversation with an [19] American-Indian?

[20] A: Not that I can recall.

[21] Q: Have you ever called an American-Indian a [22] Redskin?

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[1] MR. REINER: Object to the form of the [2] question. Just answer the question.

[3] THE WITNESS: No.

[4] BY MR. LINDSAY:

[5] Q: I'm sorry, sir, your answer is?

[6] A: No.

[7] Q: Is there a reason why you have never called [8] an American-Indian a Redskin?

[9] MR. REINER: Object to the form of the [10] question. It's a hypothetical. The witness has [11] already answered he has never done so.

[12] BY MR. LINDSAY:

[13] Q: You may answer the question, sir.

[14] A: Repeat the question.

[15] MR. LINDSAY: Would you please read the [16] question back.

[17] (The reporter read the record as [18] requested.)

[19] THE WITNESS: Yes.

[20] BY MR. LINDSAY:

[21] Q: What is that reason?

[22] A: I don't think I've ever talked to an

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[1] Indian.

[2] Q: You have never spoken with an [3] American-Indian in your life?

[4] A: Not that I can recall.

[5] Q: Do you have an understanding of the word - [6] or excuse me, of the phrase American-Indian?

[7] A: I think so.

[8] Q: What is your understanding of the phrase [9] American-Indian?

[10] A: That he would be a native American who was [11] here before Europeans came here, here in North [12] America.

[13] Q: I take it, sir, that your understanding of [14] the phrase American-Indian includes the descendants [15] of the people that you've just described?

[16] A: Yes.

[17] Q: And you are aware that there are persons [18] alive today who identify themselves as [19] American-Indians?

[20] MR. REINER: Object to the form of the [21] question. You may answer it.

[22] THE WITNESS: Yes.

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[1] BY MR. LINDSAY:

[2] Q: And just so we are clear, sir, as far as [3] you know, you have never spoken with a person who [4] identifies himself or herself as an American-Indian?

[5] MR. REINER: Asked and answered. Object to [6] the form of the question. You may answer.

[7] THE WITNESS: Not that I can recall.

[8] BY MR. LINDSAY:

[9] Q: Sir, can you conceive of any circumstances [10] in which you would speak with an American-Indian?

[11] MR. REINER: Object to the form of the [12] question. It's a hypothetical. You may answer it, [13] if you can.

[14] THE WITNESS: I'd be glad to speak to [15] anyone.

[16] BY MR. LINDSAY:

[17] Q: Is there any reason why you have never [18] spoken with an American-Indian?

[19] MR. REINER: Object to the form of the [20] question. Don't even answer that question.

[21] MR. LINDSAY: Are you -

[22] MR. REINER: I'm instructing the witness

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[1] not to answer the question. Go on.

[2] MR. LINDSAY: Is there a particular [3] objection to the question as to its form, sir, so [4] that I may attempt to remedy it?

[5] MR. REINER: Yes. The witness has answered [6] fully and completely factually. You're asking now a [7] hypothetical question and I don't think it's a proper [8] question for this witness. I think it's a ridiculous [9] question - look, rather than fool around with [10] getting a ruling, you may answer the question.

[11] Read it back, please.

[12] (The reporter read the record as [13] requested.)

[14] THE WITNESS: I don't think I had the [15] opportunity.

[16] BY MR. LINDSAY:

[17] Q: Sir, if you did have occasion or [18] opportunity to speak with an American-Indian, do you [19] believe it would be appropriate to use the word [20] Redskin in addressing the American-Indian?

[21] MR. REINER: I object to the form of the [22] question. It's a hypothetical without a foundation.

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[1] You may answer, if you can.

[2] Why don't you read the question back, [3] please.

[4] (The reporter read the record as [5] requested.)

[6] THE WITNESS: I can't answer that question.

[7] BY MR. LINDSAY:

[8] Q: Why are you not able to answer the [9] question?

[10] A: Because I think the question is [11] preposterous.

[12] Q: Why is it preposterous?

[13] MR. REINER: Don't answer any more [14] questions. Go on. You've gotten your answer, [15] Counselor, if you don't like it, you can get a [16] ruling.

[17] BY MR. LINDSAY:

[18] Q: So our record is clear, sir -

[19] MR. REINER: I'm instructing him not to [20] answer the question. You've gotten your answer. You [21] may not like it, but you've gotten it, so let's go [22] on.

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[1] MR. LINDSAY: Would you please read back [2] the last question.

[3] (The reporter read the record as [4] requested.)

[5] MR. REINER: I believe there was an [6] objection and an answer, wasn't there? Could you [7] read the whole thing, please.

[8] (The reporter read the record as [9] requested.)

[10] BY MR. LINDSAY:

[11] Q: Sir, let me make certain that I understand [12] your counsel's objection for lack of foundation.

[13] Do you have any personal policy against [14] speaking to American-Indians?

[15] A: No.

[16] Q: So if circumstances would arise permitting [17] you the opportunity to speak with an American-Indian, [18] you would do so?

[19] A: Yes.

[20] Q: Do you agree, sir, that it would be [21] possible in the social setting of a cocktail hour for [22] you to speak with an American-Indian?

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[1] MR. REINER: Object to the form of the [2] question. No foundation.

[3] You may answer, if you can. [4] Read the question back, please.

[5] (The reporter read the record as [6] requested.)

[7] THE WITNESS: Yes.

[8] BY MR. LINDSAY:

[9] Q: And, in fact, you have attended cocktail [10] hours in the past, have you not?

[11] A: Yes.

[12] Q: In the setting of a cocktail hour, do you [13] believe it would be appropriate

for you to use the [14] word Redskin in addressing an American-Indian?

[15] MR. REINER: Objection. The question has [16] been asked before about his addressing people. I [17] don't think it's a proper foundation. It's a [18] hypothetical that's not complete. You may answer the [19] question, if you can.

[20] THE WITNESS: I can't answer that question.

[21] BY MR. LINDSAY:

[22] Q: Why are you not able to answer the

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[1] question?

[2] MR. REINER: Object to the form of the [3] question. You may -

[4] THE WITNESS: Because that's a hypothetical [5] question and frankly, I don't understand the reason [6] for your question, for that question.

[7] BY MR. LINDSAY:

[8] Q: What was the last cocktail hour that you [9] attended?

[10] MR. REINER: Object to the form of the [11] question. Object to the question. How is that [12] possibly relevant and likely to lead to anything [13] involved in this litigation?

[14] MR. LINDSAY: Counsel, the witness says he [15] is unable to answer my question because he doesn't [16] understand it. I'm attempting to find a real life [17] situation in which this witness has found himself. [18] We will then determine whether that real life [19] situation is one which is amenable to my question.

[20] MR. REINER: Object to the question. You [21] may pursue the line, if you wish, for a while. We'll [22] see where it goes.

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[1] THE WITNESS: Just before Christmas.

[2] BY MR. LINDSAY:

[3] Q: Where was it?

[4] A: My house.

[5] Q: You invited various guests to attend?

[6] A: Yes.

[7] Q: I don't need to know the names of the [8] guests, but in general, what type of party was it?

[9] A: It was a Christmas party.

[10] Q: And what type of people did you invite?

[11] MR. REINER: Object to the question. [12] That's getting involved in personal life. That's got [13] nothing to do with this litigation. Don't answer [14] that question, Mr. Cooke. Let's just get on.

[15] MR. LINDSAY: You are instructing the [16] witness -

[17] MR. REINER: I'm instructing him not to [18] answer the question.

[19] BY MR. LINDSAY:

[20] Q: Sir, in the setting of this cocktail [21] hour - let me back up.

[22] Did you invite any American-Indians to that

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[1] party?

[2] A: Not that I recall.

[3] Q: So as far as you know, there were no [4] American-Indians in attendance at that party?

[5] A: I don't know that.

[6] Q: I'm sorry?

[7] A: I don't know that. I don't ask people what [8] their nationalities are or what their backgrounds [9] are.

[10] When I have a party, I invite friends and I [11] accept them for what they are.

[12] Q: In the course of a conversation with any [13] individual, have you ever learned the nationality of [14] that individual?

[15] MR. REINER: Object to the form of the [16] question. It's a hypothetical question. It's got [17] nothing to do with the issues in this litigation. [18] I'll let the witness answer it because it's easier [19] than to get a ruling, but that's all, Counselor. If [20] you keep pursuing this, I'm going to instruct him not [21] to answer questions of this type.

[22] Would you read the question back. You may

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[1] answer it, if you wish.

[2] (The reporter read the record as [3] requested.)

[4] MR. REINER: Object to the use of the word [5] nationality in that context. You may answer.

[6] THE WITNESS: I don't remember.

[7] BY MR. LINDSAY:

[8] Q: Have you ever spoken with anyone you [9] understood to be an Irish American?

[10] MR. REINER: Whatever that means, [11] Counselor. Will you please define the term for the [12] witness.

[13] BY MR. LINDSAY:

[14] Q: Do you have an understanding of the term [15] Irish American?

[16] A: Yes.

[17] Q: What's your understanding?

[18] A: Someone with an Irish background who is an [19] American.

[20] Q: Have you ever spoken with any person whom [21] you understood to be an Irish American?

[22] A: I have.

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[1] Q: Now, sir, coming back to this cocktail [2] party at your house before Christmas to which you had [3] invited guests, if you had understood one of your [4] guests to be a native American, an American-Indian, [5] do you believe it would be appropriate for you to use [6] the word Redskin in addressing that person?

[7] MR. REINER: Object to the form of the [8] question. I'm instructing you not to answer. This [9] is your personal life at home. We are not going to [10] get involved in this. Don't answer any more [11] questions. You may get your rulings, Counselor.

[12] BY MR. LINDSAY:

[13] Q: Has the Washington football team ever had [14] any kind of cocktail hour or social hour?

[15] MR. REINER: Well I object to the form of [16] the question. I don't understand what you mean by [17] the Washington football team and having a cocktail [18] hour. Why don't you break it down, please.

[19] BY MR. LINDSAY:

[20] Q: Do you have an understanding of the phrase [21] Washington football team?

[22] A: I understand the phrase Washington football

Page 34

[1] team.

[2] Q: And what does the phrase Washington [3] football team mean to you?

[4] A: It means the Washington Redskins. I [5] presume that you mean the Washington Redskins.

[6] Q: Let me ask you to make that assumption [7] throughout this deposition. When I refer to the [8] Washington football team, you may understand me, if [9] you wish - strike that, you may understand me to be [10] referring to the team that you call the Washington [11] Redskins; is that agreeable?

[12] A: Fine, yes.

[13] MR. REINER: By team, do you mean the teams [14] playing on the field, Counselor?

[15] MR. LINDSAY: No, sir, I mean the [16] organization.

[17] MR. REINER: Any employee of the [18] organization, is that what you mean, sir?

[19] BY MR. LINDSAY:

[20] Q: Sir, when you use the phrase Washington [21] Redskins, what do you mean by that?

[22] A: I mean the football team and the

Page 35

[1] organization.

[2] Q: May we have the agreement that when I refer [3] to the Washington football team, it will have the [4] same meaning?

[5] A: Yes.

[6] Q: Has the Washington football team ever had [7] any kind of cocktail hour?

[8] A: Yes.

[9] Q: Have persons who are not part of the [10] Washington football team been invited to attend?

[11] A: Sometimes.

[12] Q: When was the most recent such event?

[13] A: Just before Christmas.

[14] Q: Was this a different event from the event [15] at your house?

[16] A: Yes.

[17] Q: Where was it held?

[18] A: It was at Landsdowne Conference Center in [19] Loudoun County, Virginia.

[20] Q: Were there any American-Indians present?

[21] A: I don't know.

[22] Q: Did you speak with anyone at this cocktail

Page 36

[1] hour?

[2] A: No.

[3] Q: Were you present?

[4] A: No.

[5] Q: When was the last Washington football team [6] cocktail hour at which you, yourself, were present?

[7] MR. REINER: Object to the form of the [8] question. No foundation is laid. You may answer the [9] question, if you can.

[10] THE WITNESS: You're going to have to [11] define cocktail hour.

[12] BY MR. LINDSAY:

[13] Q: Do you have an understanding of the phrase [14] cocktail hour?

[15] A: Yes.

[16] Q: What is your understanding?

[17] A: It is a party of short duration in which [18] hors d'oeuvres and alcoholic beverages are served, [19] generally.

[20] Q: Using that understanding, have you ever [21] attended a cocktail hour sponsored by the Washington [22] football team?

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[1] A: Yes.

[2] Q: When was the last such event you attended?

[3] A: With my definition, it was January

of 1991.

[4] Q: Did you speak with anyone?

[5] A: Yes.

[6] Q: You spoke with various of the attendees?

[7] A: Yes.

[8] Q: Do you know whether any American-Indians [9] were present?

[10] A: I don't know.

[11] Q: Did you speak with anyone that you [12] understood to be an American-Indian?

[13] A: I don't know.

[14] Q: In the setting of that cocktail hour, if [15] you had spoken with an American-Indian, do you [16] believe it would be appropriate to use the word [17] Redskin in speaking with that American-Indian?

[18] MR. REINER: Object to the form of the [19] question. The witness has answered questions of this [20] nature before. I'm going to let him answer one more [21] time, but in the future, I'm going to instruct you [22] not to answer questions of this type.

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[1] Why don't you read the question back and [2] see if you can answer it.

[3] (The reporter read the record as [4] requested.)

[5] THE WITNESS: I cannot answer that [6] question.

[7] BY MR. LINDSAY:

[8] Q: Sir, do you believe that the word Redskin [9] is in any way disparaging?

[10] MR. REINER: Object to the form of the [11] question. The witness has told you what he [12] understood the word Redskin to mean before. If [13] you're using it in that context, I have no objection. [14] If you're using it in any other context, I object and [15] instruct the witness not to answer because no [16] foundation has been laid for the question. But you [17] may -

[18] BY MR. LINDSAY:

[19] Q: Sir, let me try to lay some foundation.

[20] MR. REINER: Please, why don't you do so [21] other than asking questions that have been asked [22] before because if they've been asked and answered,

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[1] I'm going to instruct the witness not to answer [2] again. You may go ahead.

[3] MR. LINDSAY: I will pause a moment, [4] Counsel, because I believe it would be appropriate [5] after you make a speech for me to sit here so that I [6] can fully appreciate it.

[7] MR. REINER: Why don't you, Counselor. I [8] appreciate your comments.

[9] BY MR. LINDSAY:

[10] Q: Sir, in your 54 years of life, have you [11] ever heard any other human being use the word Redskin [12] other than to refer to the Washington football team?

[13] A: Would you repeat the question?

[14] MR. LINDSAY: Would you please read the [15] question back.

[16] (The reporter read the record as [17] requested.)

[18] THE WITNESS: I cannot recall a specific [19] instance.

[20] BY MR. LINDSAY:

[21] Q: Setting aside, sir, whether you can recall [22] a specific instance in which a human being has used

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[1] the word Redskin, do you generally recall that other [2] human beings have used the word Redskin, other than [3] to refer to the Washington football team?

[4] MR. REINER: Why don't you read the [5] question back.

[6] (The reporter read the record as [7] requested.)

[8] MR. REINER: Object to the form of the [9] question. The question has been asked and answered [10] before twice or three times, perhaps. I'm going to [11] let the witness answer again, but I'm going to [12] instruct him in the future not to, Counsel, because [13] I'm not going to sit here all day to have repetitious [14] questions asked.

[15] You may answer the question, if you can.

[16] THE WITNESS: Not that I recall.

[17] BY MR. LINDSAY:

[18] Q: Sir, are there words in the English [19] language that you consider disparaging?

[20] MR. REINER: Object to the form of the [21] question. You may answer it. Also to the relevancy [22] of this proceeding, but you may answer, sir, if you

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[1] can.

[2] THE WITNESS: Not that I can recall.

[3] BY MR. LINDSAY:

[4] Q: Do you consider the word nigger to be [5] disparaging?

[6] A: I think that it is objectionable to - [7] particularly to black Americans.

[8] Q: Sir, you have defined at the outset of this [9] deposition the word disparage. Do you generally [10] recall what you mean by the word disparage?

[11] MR. REINER: Why don't you have it read [12] back, Counsel. Could you please read it back.

[13] MR. LINDSAY: It would have been

about [14] three pages into the transcript.
[15] (The reporter read the record as [16] requested.)

[17] **BY MR. LINDSAY:**

[18] **Q:** Sir, do you agree that your testimony as to [19] your understanding of the word disparage has just [20] been read back for you?

[21] **A:** Yes, I agree with that.

[22] **Q:** And do you agree that your testimony as to

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[1] your understanding of the word scandalous has just [2] been read back for you?

[3] **A:** I agree with that.

[4] **Q:** Sir, do you consider the word nigger [5] disparaging?

[6] **A:** It is to some people.

[7] **Q:** And what is your understanding of the [8] persons to whom the word nigger is disparaging?

[9] **A:** Would you repeat that?

[10] **MR. LINDSAY:** Would you please read the [11] question back.

[12] (The reporter read the record as [13] requested.)

[14] **THE WITNESS:** I don't understand the [15] question.

[16] **BY MR. LINDSAY:**

[17] **Q:** You've said you believe that the word [18] nigger is disparaging to some people and I want to [19] find out the people to whom you believe the word is [20] disparaging.

[21] **A:** Could be - it is - you mean [22] disparaging -

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[1] **MR. REINER:** Do you understand what the [2] question is?

[3] **THE WITNESS:** No, you'll have to -

[4] **MR. REINER:** You'll have to reword the [5] question, Counsel.

[6] **THE WITNESS:** - clarify it, please.

[7] **MR. LINDSAY:** Would you please read back [8] the question and the witness' answer when I asked [9] whether he believed the word nigger is disparaging.

[10] (The reporter read the record as [11] requested.)

[12] **BY MR. LINDSAY:**

[13] **Q:** To what people, sir, is the word nigger [14] disparaging?

[15] **A:** I don't know. I would suppose it would be [16] to blacks, particularly, also to - if you're [17] describing blacks, it's disparaging to them. If you [18] take the other part of my definition of being [19] insulting, it would be insulting also to me.

[20] **Q:** Why is it insulting to you?

[21] **A:** Because I believe it is a disparaging [22] epithet to describe black Americans.

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[1] **Q:** Do you believe that the word nigger is [2] scandalous?

[3] **A:** In the context that I just described, yes. [4] But when it is used by other blacks to blacks, it [5] might not be.

[6] **Q:** And, sir, when you say when it is used in [7] the context that you just described, can you please [8] tell me what context you are referring to?

[9] **MR. REINER:** Let's have the response read [10] back to the witness, please.

[11] (The reporter read the record as [12] requested.)

[13] **BY MR. LINDSAY:**

[14] **Q:** Sir, what context did you mean?

[15] **A:** I think there was something else following [16] that, was there not?

[17] (The reporter read the record as [18] requested.)

[19] **MR. LINDSAY:** Could you read the pending [20] question, please?

[21] (The reporter read the record as [22] requested.)

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[1] **THE WITNESS:** As described.

[2] **BY MR. LINDSAY:**

[3] **Q:** Sir, do you have an understanding of the [4] word Caucasian?

[5] **A:** Yes.

[6] **Q:** What is your understanding of the word [7] Caucasian?

[8] **A:** I would say that it would be a member of [9] the white race.

[10] **Q:** Are there circumstances in which a [11] Caucasian, using your understanding, can use the word [12] nigger in a nondisparaging fashion?

[13] **MR. REINER:** Object to the form of the [14] question. No foundation has been laid. It's a [15] hypothetical, it's incomplete. You may answer it, if [16] you can.

[17] **THE WITNESS:** I don't know.

[18] **BY MR. LINDSAY:**

[19] **Q:** Have you ever heard a Caucasian use the [20] word nigger?

[21] **A:** Not that I can remember.

[22] **Q:** You do not recall any occasion whatsoever

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[1] in which you have heard a Caucasian use the word [2] nigger?

[3] **MR. REINER:** It was asked and answered, [4] Counselor, just 30 seconds ago.

[5] **BY MR. LINDSAY:**

[6] **Q:** Is that correct, sir?

[7] **A:** That's correct.

[8] **Q:** Setting aside whether you can recall any [9] specific instance in which a Caucasian used the word [10] nigger, do you recall whether any of those occasions [11] involved the use of the word nigger in a [12] nondisparaging way?

[13] **MR. REINER:** Object to the form of the [14] question. He just answered he doesn't recall ever [15] having heard it. Please, Counselor. Just asked and [16] answered. Don't answer any more questions along this [17] line.

[18] **MR. LINDSAY:** Is there an instruction not [19] to answer?

[20] **MR. REINER:** Yes, absolutely.

[21] **BY MR. LINDSAY:**

[22] **Q:** Sir, a few moments ago you said that there

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[1] may be, and these are not your precise words, but I'm [2] simply trying to get you back to the testimony [3] without having to have our court reporter locate it [4] and read it back to you, but you said that there may [5] be circumstances in which African-Americans could use [6] the word nigger among themselves in a nondisparaging [7] fashion; do you generally recall that?

[8] **MR. REINER:** No. I don't recall that at [9] all.

[10] **THE WITNESS:** No, I don't. That's not what [11] I said.

[12] **MR. LINDSAY:** Would you please locate the [13] testimony and read it back.

[14] (The reporter read the record as [15] requested.)

[16] **BY MR. LINDSAY:**

[17] **Q:** Why do you believe that there are [18] circumstances in which the word nigger, when used by [19] blacks to other blacks, might not be scandalous?

[20] **A:** I recall seeing some entertainers referring [21] to - some black entertainers referring to blacks in [22] that manner.

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[1] **Q:** Sir, do you consider the word wetback to be [2] disparaging?

[3] **MR. REINER:** First of all, no foundation. [4] I don't even know what the word wetback means myself. [5] Would you please tell the witness what that means?

[6] **BY MR. LINDSAY:**

[7] **Q:** Have you ever heard the word wetback [8] before?

[9] **A:** Yes.

[10] **Q:** What is your understanding of what the word [11] denotes?

[12] **A:** My understanding is that that would apply [13] to people who come into the country illegally, [14] principally

from the Central American countries.

[15] Q: Do you believe the word wetback is a [16] disparaging word?

[17] A: I don't know.

[18] Q: Do you believe the word wetback is a [19] scandalous word?

[20] A: I don't know.

[21] Q: Have you ever used the word wetback [22] yourself?

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[1] A: Not that I can recall.

[2] Q: Have you ever heard anyone else use the [3] word wetback?

[4] A: Not that I can recall.

[5] Q: Have you ever heard the word gook?

[6] A: I've heard the word, yes.

[7] Q: What is your understanding of what the word [8] denotes?

[9] A: I don't know.

[10] Q: Have you ever heard the word slant eye?

[11] A: No.

[12] Q: Or slanty-eyed?

[13] A: No.

[14] MR. REINER: We are going to take a break.

[15] MR. LINDSAY: That's fine.

[16] (Discussion off the record)

[17] BY MR. LINDSAY:

[18] Q: Sir, have you ever heard the word Jap [19] before?

[20] A: Yes.

[21] Q: Have you, yourself, ever used the word Jap?

[22] A: Not that I can recall.

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[1] Q: Do you have an understanding of what the [2] word Jap denotes?

[3] A: Someone from a Japanese descent.

[4] Q: Do you consider the word Jap disparaging?

[5] A: I don't know.

[6] Q: Do you consider the word Jap scandalous?

[7] A: I don't know.

[8] Q: Sir, have you ever heard the word kike?

[9] A: Yes.

[10] Q: Have you ever used the word kike?

[11] A: No.

[12] Q: Do you have an understanding of what the [13] word kike denotes?

[14] A: No.

[15] Q: Just so we are clear, sir, do you have an [16] understanding of what the word kike means?

[17] A: No, I don't.

[18] Q: In what context have you heard the word?

[19] A: I don't know.

[20] Q: Have you ever heard the word Heb?

[21] A: Yes.

[22] Q: In what context have you heard the word?

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[1] A: I don't recall.

[2] Q: Have you ever used the word Heb?

[3] A: No.

[4] Q: Do you have an understanding of what the [5] word Heb means?

[6] A: No.

[7] Q: Has anyone ever told you that he or she [8] considers the word Redskin disparaging?

[9] A: No.

[10] Q: Has anyone ever told you that he or she [11] considers the word Redskin scandalous?

[12] A: Not that I can recall.

[13] Q: Has anyone ever told you that he or she [14] considers the word Redskin offensive?

[15] A: Not that I can recall.

[16] Q: Sir, do you draw any distinction in your [17] mind between the word Redskins in the plural and [18] Redskin in the singular?

[19] A: Not really.

[20] Q: Is it your view that the use of Redskins in [21] the plural simply means more than one of Redskin in [22] the singular?

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[1] MR. REINER: I believe the witness gave a [2] definition of Redskins at the beginning of his [3] deposition, Counselor. But you may answer it, if you [4] wish.

[5] THE WITNESS: I look upon that name, the [6] Redskin or Redskins, as a football club. And we use [7] it singular and plural, that's with or without the S, [8] in our publications and our press releases, et [9] cetera, just grammatically. It is solely pertaining [10] to the Washington football club, as you call it.

[11] BY MR. LINDSAY:

[12] Q: Sir, do you believe that it is appropriate [13] for a Caucasian to refer to a member of another race [14] by referring to that person's skin color?

[15] MR. REINER: Object to the form of the [16] question. You may answer.

[17] THE WITNESS: I don't think anybody [18] should - if you're going to talk to somebody, you [19] talk to them by their

name or you use sir or Ms. or [20] madam. I don't think that you address someone by [21] their color, their size, their appearance, their [22] dress.

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[1] BY MR. LINDSAY:

[2] Q: Why not?

[3] A: Because I think that that's the proper way [4] to address people.

[5] Q: I understand that you believe that saying [6] Ms. or sir is the proper way to address people.

[7] Why do you believe that it is not proper to [8] refer to people by the color of their skin?

[9] MR. REINER: Object to the form of the [10] question. You may answer, if you can.

[11] THE WITNESS: I think that it shows a lack [12] of manners. I think that when I address someone, I [13] do not say black or white or yellow or anything else.

[14] BY MR. LINDSAY:

[15] Q: When you say it shows a lack of manners, [16] what do you mean?

[17] A: I mean that we should be civil to one [18] another, get along with one another and I think that [19] that shows manners.

[20] Q: Do you believe that referring to someone to [21] his or her face by his skin color might offend that [22] person?

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[1] A: I think it's totally inappropriate, sir, in [2] as much as a person is fat or ugly or anything else, [3] blue eyes or brown eyes. It is just simply - should [4] not be done.

[5] Q: And is that because the person being [6] addressed might feel hurt?

[7] MR. REINER: Object to the form of the [8] question.

[9] THE WITNESS: It's because it's uncivil.

[10] BY MR. LINDSAY:

[11] Q: Sir, are there any terms for [12] American-Indians or native Americans that you [13] consider disparaging?

[14] A: That I consider disparaging?

[15] Q: Yes, sir.

[16] A: Not that I can recall.

[17] Q: Do you consider the word injun, I-N-J-U-N, [18] to be disparaging?

[19] A: I don't know.

[20] Q: Do you consider it to be scandalous?

[21] A: I don't know.

[22] Q: Offensive?

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[1] A: Don't know.

[2] Q: Have you ever heard the word

injun?

[3] A: Yes.

[4] Q: In what context have you heard the word [5] injun?

[6] A: I really haven't heard the - I can't [7] recall a specific instance of hearing the word injun [8] or even reading about injun, but I do recall being [9] aware of that name.

[10] Q: In what context do you recall being aware [11] of that name?

[12] MR. REINER: Object to the form of the [13] question. No foundation has been laid, but go ahead, [14] you can answer.

[15] THE WITNESS: In entertainment, things like [16] the movies, television shows, that kind of thing.

[17] BY MR. LINDSAY:

[18] Q: In the context in which you have heard or [19] seen the word injun used, do you believe that it was [20] used in a positive and praiseworthy way?

[21] A: I don't know.

[22] Q: Have you ever heard the word buck used to

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[1] describe a Native American?

[2] A: No, I haven't.

[3] Q: Have you ever seen it used to describe a [4] native American?

[5] A: No.

[6] Q: Have you ever heard the word squaw used to [7] describe a female Native American?

[8] A: Yes.

[9] Q: In what context have you heard the word [10] squaw used to describe a female Native American?

[11] MR. REINER: Object to the form of the [12] question. I don't see any relevancy to this whole [13] entire litigation, but to move things along, you may [14] answer it, if you can.

[15] THE WITNESS: I've heard it referred to a [16] woman, a native American woman in the movies, [17] television shows and so forth.

[18] BY MR. LINDSAY:

[19] Q: In the context in which you have heard the [20] word squaw used to describe a female Native American, [21] has the word been used in a positive and praiseworthy [22] way?

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[1] MR. REINER: Objection. No foundation [2] laid. Calls for speculation. You may answer the [3] question.

[4] THE WITNESS: I don't recall.

[5] BY MR. LINDSAY:

[6] Q: Have you ever heard or seen the phrase [7] Uncle Tommie-Hawk used to

describe a Native American?

[8] A: No, I have not.

[9] Q: Have you ever heard or seen the word at [10] all?

[11] A: No.

[12] Q: Sir, you've testified now about hearing I [13] believe the word injun and the word squaw in movies [14] and I want to make sure, sir, that in your earlier [15] responses to my questions that we had not overlooked [16] that context.

[17] Is it your testimony, sir, that you have [18] never heard or seen the word Redskin used in a movie?

[19] A: Don't recall.

[20] Q: I'm sorry, sir, the door was -

[21] A: I do not recall.

[22] Q: And so that, again, our record is clear, I

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[1] believe my prior questions may have asked whether you [2] had heard the word Redskin.

[3] Have you ever seen or otherwise experienced [4] usage of the word Redskin other than to refer to the [5] Washington football team?

[6] MR. REINER: It has been asked and answered [7] several times, Counselor -

[8] MR. LINDSAY: No, it has not, not in that [9] form.

[10] MR. REINER: Counselor, let me finish my [11] objection.

[12] MR. LINDSAY: Please do, sir.

[13] MR. REINER: Object to the question. It [14] has been asked and answered several times. I'm going [15] to let the witness answer it one more time, then I'm [16] going to instruct him not to answer it any more.

[17] Would you read the question back, please.

[18] (The reporter read the record as [19] requested.)

[20] THE WITNESS: The word Redskin? Yes.

[21] BY MR. LINDSAY:

[22] Q: And in what context is that, sir?

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[1] A: Peanuts.

[2] Q: Any other context?

[3] A: Not that I can recall.

[4] Q: And, sir, to insure that the level of [5] generality with which you have spoken covers the [6] context of this particular circumstance, I want to [7] make sure that I have asked and that you have [8] answered the following question.

[9] Have you ever heard an American-Indian [10] refer to himself or to another American-Indian as a [11] Redskin?

[12] MR. REINER: It's a compound question, [13] Counselor. Object to the form of the question. It [14] has been asked and answered many times before. But [15] you may answer it again so that we may move this [16] deposition.

[17] THE WITNESS: Not that I can recall.

[18] BY MR. LINDSAY:

[19] Q: Have you ever seen in print or movie any [20] usage by an American-Indian referring to himself as a [21] Redskin?

[22] A: Not that I can recall.

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[1] Q: Have you ever seen or heard any usage by an [2] American-Indian referring to another American-Indian [3] as a Redskin?

[4] A: Not that I can recall.

[5] Q: Do you have any understanding as to whether [6] there are other sports organizations besides the [7] Washington football team that use the name Redskins?

[8] A: Yes.

[9] Q: What is your understanding with respect to [10] what organizations use the word Redskin?

[11] A: There are some - there are some schools in [12] the United States that have their teams with a [13] similar name, Redskin. I don't recall offhand [14] specifically which schools they are, colleges or high [15] schools.

[16] Q: Has the Washington football team ever [17] commenced legal proceedings against any of the [18] organizations, sports organizations that use the word [19] Redskins in their names?

[20] A: Not that I'm aware of.

[21] Q: Do you believe that the use of the word [22] Redskins by these other sporting organizations in any

Page 61

[1] way implies association with the Washington football [2] team?

[3] MR. REINER: Object to the form of the [4] question. You're asking, now you're getting into the [5] realm of legal issues and legal questions. Don't [6] answer the question.

[7] THE WITNESS: Do not answer the question?

[8] MR. REINER: You're not a lawyer. No, [9] don't answer the question.

[10] BY MR. LINDSAY:

[11] Q: Does the Washington football team in any [12] way sponsor any of the other teams, sporting teams [13] that use the word Redskins in their names?

[14] A: No.

[15] Q: Does the Washington football team in any [16] way endorse the other

sporting organizations that use [17] the word Redskin in their name?

[18] **MR. REINER:** Object to the use of the word [19] endorse, Counselor. Please rephrase the question.

[20] **MR. LINDSAY:** Are you instructing the [21] witness not to answer the question as phrased?

[22] **MR. REINER:** Don't answer the question;

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[1] yes. Don't answer the question.

[2] **BY MR. LINDSAY:**

[3] **Q:** Has the Washington football team ever made [4] donations to any sporting organization that uses the [5] word Redskins in its name?

[6] **A:** Not that I'm aware of.

[7] **Q:** Do you believe that the use of the word [8] Redskins in the name of any of these other sporting [9] organizations is confusingly similar to the use of [10] the word Redskins by the Washington football team?

[11] **MR. REINER:** Object to the form of the [12] question. Calls for a legal conclusion. You don't [13] have to answer that question. I instruct you not to [14] answer that question.

[15] **BY MR. LINDSAY:**

[16] **Q:** Has anyone ever asked the Washington [17] football team whether it has any kind of affiliation [18] with other sporting organizations that use the word [19] Redskins in their team name?

[20] **A:** Not that I'm aware of.

[21] **Q:** When did you first become aware of the fact [22] that other sporting organizations were using the word

Page 63

[1] Redskins in their team names?

[2] **A:** I don't recall exactly.

[3] **Q:** Sir, do you have an understanding of when [4] the lawsuit that brings us here today was commenced?

[5] **A:** I don't know exactly.

[6] **Q:** If I tell you it was 1992, you have no [7] reason to disagree with that; is that correct?

[8] **A:** I have no reason to disagree with you.

[9] **Q:** Did you first become aware of the usage of [10] the word Redskins by these other sporting [11] organizations before or after this lawsuit was [12] commenced?

[13] **MR. REINER:** Compound question, object to [14] the form. You may answer it.

[15] **THE WITNESS:** I believe it was before then.

[16] **BY MR. LINDSAY:**

[17] **Q:** Do you recall how long before that?

[18] **A:** No.

[19] **Q:** Was it a matter of years?

[20] **A:** I don't recall.

[21] **Q:** Has the Washington football club ever [22] informed any of these sporting organizations that use

Page 64

[1] the word Redskins in their name that the Washington [2] football club disapproves of such usage?

[3] **A:** Not that I recall.

[4] **Q:** Why not?

[5] **MR. REINER:** Object to the form. Object to [6] the question. You're asking for this witness to [7] speculate. You may answer, if you can.

[8] **THE WITNESS:** We had never any occasion to [9] protest the use of that name. They are generally [10] high schools and colleges. They are not in [11] competition with us as a football club.

[12] **BY MR. LINDSAY:**

[13] **Q:** You agree, sir, then, that in the context [14] of usage by these high schools and colleges that the [15] word Redskin does not refer to the Washington [16] football team; is that correct?

[17] **A:** Yes, that's correct.

[18] **Q:** Do you have an understanding of what the [19] term Redskin refers to in that context?

[20] **A:** In what context?

[21] **Q:** Of usage by these sporting organizations?

[22] **A:** I have no idea why they chose their names.

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[1] **Q:** Sir, is Jack Kent Cooke, Incorporated, a [2] 100 percent owner of Pro-Football, Inc.?

[3] **A:** Yes.

[4] **Q:** Who are the current shareholders of Jack [5] Kent Cooke, Incorporated?

[6] **MR. REINER:** Object to the form of the [7] question. I don't think it's probative of any of the [8] issues here.

[9] I'm going to let you answer the question, [10] but it's going to be limited just to the names and [11] that's all.

[12] **THE WITNESS:** My father and me.

[13] **BY MR. LINDSAY:**

[14] **Q:** You referred to your father earlier in this [15] deposition as the principal shareholder of Jack Kent [16] Cooke, Incorporated. By that do you mean that he is [17] the majority shareholder?

[18] **MR. REINER:** You're getting into areas that [19] have nothing to do with the issues in this [20] litigation. It's private financial matters within [21] the family. I'm going to instruct the witness not to [22] answer. You may get a ruling, if you

wish.

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[1] **BY MR. LINDSAY:**

[2] **Q:** Sir, do you generally have an understanding [3] of the phrase principal shareholder?

[4] **A:** Yes.

[5] **Q:** What is your understanding of the phrase [6] principal shareholder?

[7] **A:** My understanding is a majority or [8] controlling interest in an entity.

[9] **Q:** Sir, I would like to ask you some questions [10] concerning the history of the Washington football [11] team.

[12] It is currently located in the Washington, [13] D.C. area; is that correct?

[14] **A:** In the metropolitan area, yes.

[15] **Q:** Hence the name Washington; is that correct?

[16] **A:** Correct.

[17] **Q:** How long has it been located in the [18] Washington, D.C., area?

[19] **A:** Since 1937.

[20] **Q:** Where was it located before that?

[21] **A:** In Boston, Massachusetts.

[22] **Q:** And at that time what name did the football

Page 67

[1] club have?

[2] **A:** It was the Boston Redskins and prior to [3] that, for one year, it was the Boston Braves.

[4] **Q:** Is there a group known as the Washington [5] Redskins band?

[6] **A:** Yes.

[7] **Q:** And what is that organization?

[8] **A:** It's a volunteer band of approximately 150 [9] members who perform at Redskin games.

[10] **Q:** What is the relationship between [11] Pro-Football, Inc., and the Redskins band?

[12] **A:** What do you mean by a relationship?

[13] **Q:** Does the Washington football team provide [14] any kind of financial support for that group?

[15] **A:** Yes.

[16] **Q:** What financial support does it provide?

[17] **A:** We will provide occasionally uniforms for [18] them or replace, at our own cost, the musical [19] instruments used by them.

[20] **Q:** Does the Washington football team, other [21] than providing uniforms and replacing musical [22] instruments, provide any other financial support to

Page 68

[1] this band?

[2] A: Indirectly, yes. We provide tickets for [3] their families.

[4] Q: And for the band members, themselves?

[5] A: Well they have a seat, but not tickets.

[6] Q: Is there any other kind of support that [7] Pro-Football, Inc., provides to this band?

[8] A: The support would be the supervision, the [9] coordination of the entertainment with the Redskins [10] singers and the Redskinettes cheerleaders [11] organization.

[12] Q: Does this band play at away games?

[13] A: No, not generally.

[14] Q: Has it ever?

[15] A: Yes.

[16] Q: On approximately how many occasions in the [17] last ten years?

[18] A: There was a Superbowl in '83. And I think [19] that they might have played, I'm not sure, they might [20] have played at an exhibition game in Baltimore two or [21] three years ago.

[22] Q: Did the Washington football club pay for

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[1] the transportation of this band?

[2] A: No.

[3] Q: How was the transportation financed on [4] those occasions?

[5] A: To the Superbowl, it was a civic gesture on [6] the part of Safeway Foods.

[7] Q: And for this exhibition game?

[8] A: That was done by the band. I don't know.

[9] Q: Who owns the trademark Redskins, what [10] entity?

[11] A: It's owned - well I'm not a lawyer, but [12] it's owned by the Pro-Football, Inc.

[13] Q: Does the band use any of the trademarks [14] owned by Pro-Football, Inc.?

[15] A: Yes.

[16] Q: Does Pro-Football, Inc., authorize that [17] use?

[18] A: Yes.

[19] Q: Is there a cheerleading organization for [20] the Washington football team?

[21] A: Yes.

[22] Q: Does it have a name?

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[1] A: Yes.

[2] Q: What is that name?

[3] A: The - I don't recall the corporate name, [4] but it's generally referred to as

the Redskinettes.

[5] Q: And is that group formally incorporated?

[6] A: Yes.

[7] Q: Does the Washington football team provide [8] any financial support for this cheerleading group?

[9] A: What do you mean by financial support?

[10] Q: Well first of all, does it provide any [11] money?

[12] A: No.

[13] Q: Does it provide any uniforms?

[14] A: We provide uniforms to them, but they [15] reimburse us for the cost of those uniforms from the [16] proceeds that they make with personal appearances [17] throughout the year. In other words, we advance the [18] funds needed for the cost of those uniforms.

[19] Q: Does Pro-Football, Inc., have any ownership [20] interest in this cheerleader's corporation?

[21] A: None.

[22] Q: Does this cheerleader corporation use any

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[1] of the trademarks owned by Pro-Football, Inc.?

[2] A: Yes.

[3] Q: Does Pro-Football, Inc., authorize the use [4] by this cheerleading organization of trademarks owned [5] by Pro-Football, Inc.?

[6] A: Yes.

[7] Q: Does Pro-Football, Inc., establish any [8] terms on which this cheerleading corporation may use [9] the trademarks of Pro-Football, Inc.?

[10] A: Yes.

[11] Q: And are those terms reduced to writing?

[12] A: Yes.

[13] Q: Are they reduced to writing in the form of [14] a contract?

[15] A: It's a letter of intent signed by both [16] parties, both corporate entities.

[17] Q: Are there any limitations on the use that [18] this cheerleading corporation may make of marks owned [19] by Pro-Football, Inc.?

[20] A: Certainly indirectly. Directly I'm not - [21] I don't recall. I haven't read the contract in a [22] while.

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[1] Q: Are there any ways in which this [2] cheerleading organization could use trademarks owned [3] by Pro-Football, Inc., in a manner that you would [4] consider inappropriate?

[5] A: Before they use any trademark,

they have to [6] get our permission. So, in other words, we would [7] have the final approval, for instance, for putting [8] together a calendar. We would approve that artwork.

[9] Q: I take it, sir, that in addition to their [10] being a corporation, there are actual individual [11] cheerleaders; is that correct?

[12] A: That is correct.

[13] Q: May we refer to them as the cheerleading [14] squad?

[15] A: Fine.

[16] Q: Are any members of that cheerleading squad [17] American-Indians?

[18] A: I don't know.

[19] Q: Does Pro-Football, Inc., have any records [20] from which it could determine whether any members of [21] that cheerleading squad are American-Indians?

[22] A: No.

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[1] Q: Sir, are any members of the band that [2] you've testified to native Americans?

[3] A: I don't know.

[4] Q: Does the Washington football team have any [5] records from which it could determine whether any [6] members of that band are native Americans?

[7] A: No.

[8] Q: Sir, a few moments ago you said that the [9] team that you now call the Washington Redskins had [10] previously been known as the Boston Redskins; is that [11] correct?

[12] A: That's correct.

[13] Q: And do you have an understanding as to the [14] year in which the name changed from Boston Braves to [15] Boston Redskins?

[16] MR. REINER: It has been asked and [17] answered, but you may do so again.

[18] THE WITNESS: 1933.

[19] BY MR. LINDSAY:

[20] Q: Do you have an understanding as to why the [21] name was changed from Boston Braves to Boston [22] Redskins?

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[1] MR. REINER: Object to the form of the [2] question. You may answer it, if you can.

[3] THE WITNESS: I don't know why.

[4] BY MR. LINDSAY:

[5] Q: Do you have an understanding as to why the [6] particular word Redskins was chosen as the new name?

[7] MR. REINER: Object to the form of the [8] question. You may answer it, if you can.

[9] **THE WITNESS:** I have an understanding, if [10] you want to use this definition of understanding, but [11] I really don't know.

[12] **BY MR. LINDSAY:**

[13] **Q:** Sir, I have not asked you for your personal [14] knowledge. All I have asked for is what your [15] understanding is.

[16] **A:** My understanding is, is that when the [17] franchise was activated from the National Football [18] League in 1932, the team was known as the Boston [19] Braves. The team did poorly at the gate and it was [20] my understanding that George Preston Marshall, who [21] owned the team, thought that there was a conflict [22] with the Boston Braves baseball club, which were also

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[1] headquartered in Boston and there was confusion with [2] the fans. So he changed the name.

[3] **Q:** Do you have any understanding as to why the [4] particular word Redskins was chosen as the new name?

[5] **A:** No.

[6] **Q:** Sir, why does the Washington football team [7] currently call itself the Washington Redskins?

[8] **MR. REINER:** Object to the question. You [9] may answer.

[10] **THE WITNESS:** The Washington Redskins [11] franchise with the National Football League is for [12] the City of Washington.

[13] **BY MR. LINDSAY:**

[14] **Q:** I understand, sir, that that is why the [15] term Washington is used in the team name.

[16] Why does the Washington football team [17] choose to call itself the Redskins?

[18] **MR. REINER:** Object to the form of the [19] question. You may answer it.

[20] **THE WITNESS:** Because they've been called [21] the Redskins since 1933.

[22] **BY MR. LINDSAY:**

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[1] **Q:** Have you ever heard it said or seen it [2] stated that there was any kind of ritual involved in [3] the naming of the football team as the Redskins?

[4] **MR. REINER:** Object to the question. You [5] may answer it, if you can.

[6] **THE WITNESS:** No. No.

[7] **BY MR. LINDSAY:**

[8] **Q:** Is there any person whom you consider to be [9] the team's official historian?

[10] **A:** No.

[11] **Q:** Is there any person whom you consider to be [12] an unofficial historian for the team?

[13] **A:** No.

[14] **Q:** Is there any person within the Washington [15] football team who has personal knowledge of how the [16] team came to use the word Redskins in its name?

[17] **MR. REINER:** Object to the form of the [18] question. Calls for speculation. You may answer it.

[19] **THE WITNESS:** I don't know.

[20] **BY MR. LINDSAY:**

[21] **Q:** Is there any document which the Washington [22] football team considers to be its official history?

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[1] **A:** I don't understand your question.

[2] **Q:** Is there any book, memorandum or other [3] writing which the Washington football team considers [4] to give a substantially accurate history of the [5] Washington football team?

[6] **MR. REINER:** Object to the form of the [7] question. You may answer, if you can.

[8] **THE WITNESS:** Not that I know of.

[9] **BY MR. LINDSAY:**

[10] **Q:** Is there any document which the Washington [11] football team considers to give an accurate history [12] of how the Washington team came to use the word [13] Redskins in its name?

[14] **MR. REINER:** Object to the question. You [15] may answer it.

[16] **THE WITNESS:** Yeah; I don't know.

[17] **BY MR. LINDSAY:**

[18] **Q:** Sir, if you wanted to find out how the [19] Washington football team came to use the word [20] Redskins in its name, how would you go about doing [21] so?

[22] **MR. REINER:** Object to the question.

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[1] **THE WITNESS:** I think it's impossible to [2] find out.

[3] **BY MR. LINDSAY:**

[4] **Q:** And why is that?

[5] **A:** The people who named the team are dead and [6] they left no records that I'm aware of that explained [7] why.

[8] **Q:** Sir, who is or was Lone Star Deitz?

[9] **A:** He was the coach of the Redskins in the [10] early '30s.

[11] **Q:** What are the approximate dates that he was [12] coach?

[13] **A:** I think he was coach in 1932, perhaps '33.

[14] **Q:** Is Mr. Deitz still alive?

[15] **A:** I don't know.

[16] **Q:** Have you ever met Mr. Deitz?

[17] **A:** No, not that I'm aware of.

[18] **Q:** And setting aside whether you

have met him [19] in person, have you ever communicated with Mr. Deitz [20] in any way?

[21] **A:** No.

[22] **Q:** Does the Washington football team have any

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[1] employment records relating to Mr. Deitz?

[2] **A:** No - not that I'm aware of.

[3] **Q:** Is there a person within the Washington [4] football team whose responsibilities include the [5] preservation of employment records?

[6] **A:** Yes.

[7] **Q:** Who is that person?

[8] **A:** That's our controller.

[9] **Q:** How far back do the Washington football [10] team's employment records go?

[11] **A:** I don't know, but they don't go back to [12] 1932.

[13] **Q:** Do you have any understanding, sir, of [14] whether Mr. Lone Star Deitz was an American-Indian?

[15] **A:** Yes.

[16] **Q:** What is your understanding?

[17] **A:** That he was an American-Indian.

[18] **Q:** On what do you base your belief that Mr. [19] Lone Star Deitz was an American-Indian?

[20] **A:** I think there was a story in the past few [21] years by his daughter or granddaughter, a report [22] quoting the daughter or granddaughter about Coach

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[1] Deitz being a native American.

[2] **Q:** Do you personally have a copy of that [3] article?

[4] **A:** No.

[5] **Q:** Does the Washington football team have a [6] copy of that article?

[7] **A:** I'm sure they do.

[8] **Q:** Within whose responsibilities would it fall [9] to have a copy of that article?

[10] **A:** That would be in our PR department, Rick [11] Vaughan, PR director.

[12] **Q:** Any other reason besides this article on [13] which you base your belief that Mr. Lone Star Deitz [14] was an American-Indian?

[15] **A:** I've heard it discussed a number of times [16] that he was a native American.

[17] **Q:** Sir, during this deposition both you and I [18] have been using the term American-Indian and native [19] American. Do you consider those two terms to be [20] synonymous?

[21] **A:** I do.

[22] **Q:** From whom have you heard it said

that Mr.

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[1] Lone Star Deitz was a native American?

[2] A: I don't recall exactly.

[3] Q: Do you have any understanding as to whether [4] Mr. Deitz was an enrolled member of a federally [5] recognized tribe?

[6] A: I have no idea.

[7] Q: Do you have an understanding of what it [8] means to be an enrolled member of a federally [9] recognized tribe?

[10] A: I don't know exactly what that means.

[11] Q: From the fact, sir, that you say that you [12] don't know exactly what it means, I take it that you [13] have some understanding of that term; is that [14] correct?

[15] A: Well if someone says he's a member of a [16] tribe, I would think that he would be a member of [17] that tribe.

[18] Q: You have no understanding, though, of what [19] it means to be an enrolled member; is that correct?

[20] A: No, I do not.

[21] Q: And you have no understanding of what it [22] means to be a federally recognized tribe?

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[1] A: Not really, no.

[2] Q: Sir, a moment ago you testified about [3] conversations in which you heard it said that Mr. [4] Deitz was an American-Indian.

[5] What else do you recall in those [6] conversations being said about Mr. Deitz?

[7] MR. REINER: Object to the question. I [8] believe the testimony was he didn't recall any [9] specific conversations, Counselor, but why don't we [10] have the testimony read back.

[11] MR. LINDSAY: That's fine.

[12] (The reporter read the record as [13] requested.)

[14] BY MR. LINDSAY:

[15] Q: Sir, you have just heard read back your [16] testimony that you have heard it discussed on a [17] number of occasions that Mr. Deitz was a native [18] American. Do you agree with that?

[19] A: Yes.

[20] Q: And setting aside, sir, whether you can [21] recall the specifics of any given conversation, can [22] you please tell me everything else you recall having

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[1] ever heard or seen about Mr. Lone Star Deitz?

[2] MR. REINER: Object to the form of the [3] question. You may answer, if you can.

[4] THE WITNESS: That newspaper article I [5] referred to earlier in which the daughter or [6] granddaughter claimed that the team was named by [7] Coach Deitz. I don't know if that's true or not.

[8] The other conversations that I've had [9] concerning that he was the first coach of the [10] Redskins.

[11] BY MR. LINDSAY:

[12] Q: Anything else?

[13] A: Not that I can recall.

[14] Q: Does the Washington football team currently [15] employ any native Americans?

[16] A: I don't know.

[17] Q: Is there anyone within the Washington [18] football team whose responsibilities include knowing [19] whether the team employs any native Americans?

[20] MR. REINER: Object to the form of the [21] question. You may go.

[22] THE WITNESS: No.

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[1] BY MR. LINDSAY:

[2] Q: Is the Washington football team an equal [3] opportunity employer?

[4] MR. REINER: Object to the form of the [5] question. Do you know what an equal opportunity [6] employer is?

[7] THE WITNESS: Would you tell me what it is, [8] please?

[9] BY MR. LINDSAY:

[10] Q: Do you have an understanding of the phrase [11] equal opportunity employer?

[12] A: Yes. Yes.

[13] Q: What's your understanding?

[14] A: That anybody who applies for a job is [15] eligible for that job. It can become somewhat [16] confusing when you're talking about our ball players, [17] It's quite stringent requirements to become a [18] professional football player, let alone one for the [19] Washington Redskins.

[20] Excuse me, in other words, if you applied [21] to be a football player, we would have to turn you [22] down.

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[1] Q: No doubt for quite a number of reasons, [2] sir.

[3] A: Yes, exactly. But we are an equal [4] opportunity employer, particularly for everybody else [5] other than the players, themselves, because they have [6] such stringent requirements.

[7] Q: Let me separate out the two populations [8] then.

[9] Let me ask you first about the players,

[10] themselves. And I believe, sir, it is your testimony [11] that you, yourself, do not know whether any of them [12] are native Americans; is that correct?

[13] A: That is correct.

[14] Q: Is it also your testimony, sir, that you do [15] not know whether the Washington football team has any [16] records which would disclose whether any of the [17] players are American-Indians?

[18] A: I don't know of any.

[19] Q: With respect, sir, to persons other than [20] the players, is it also your testimony that you do [21] not know whether any of them are American-Indians?

[22] A: That's correct.

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[1] Q: And is it also your testimony, sir, that [2] you do not know whether any of them - excuse me, [3] whether the Washington football team has any records [4] which would disclose whether there are any [5] American-Indians on its staff?

[6] A: Not that I'm aware of.

[7] Q: Sir, I wish to make clear in this next [8] question that I am not asking questions about [9] pre-hiring information, I am only asking questions [10] about what the Washington football team knows of its [11] current employees; is that agreeable?

[12] A: Well ask your question. I don't know.

[13] MR. LINDSAY: Let's go off the record.

[14] MR. REINER: Let me get it straight, you're [15] saying current employees, you're going to be asking [16] questions about current employees only; is that [17] correct?

[18] MR. LINDSAY: No, that's not correct, so in [19] that case, let me rephrase my question.

[20] BY MR. LINDSAY:

[21] Q: Okay. Is it your testimony, sir, that in [22] making its hiring decisions, the Washington football

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[1] team does not discriminate against native Americans?

[2] A: That is - that's correct.

[3] Q: At any point after an individual has been [4] hired, is it your testimony that the Washington [5] football team makes no effort to determine the [6] ethnicity of a newly hired employee?

[7] MR. REINER: Wait a minute, object to the [8] question. Are you asking this witness now whether or [9] not there's any records that are kept about a [10] person's, as you used the word, ethnicity; is that [11] what you're asking? I'm not

sure what you're asking.

[12] MR. LINDSAY: I haven't asked yet about [13] records.

[14] MR. REINER: What are you asking about, [15] then?

[16] MR. LINDSAY: Could you please re-read the [17] question.

[18] MR. REINER: Maybe I don't understand the [19] question itself. Why don't you ask him the direct [20] questions and he'll give you direct answers.

[21] (The reporter read the record as [22] requested.)

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[1] MR. REINER: Object to the question.
[2] Answer it, if you can.

[3] THE WITNESS: No.

[4] BY MR. LINDSAY:

[5] Q: I'm sorry, sir, that is not your [6] testimony -

[7] A: No, no. We do not ask the ethnic [8] background of anybody.

[9] Q: So if the Washington football team were [10] asked to prepare a report with respect to its current [11] employees, there are no existing records from which [12] the Washington football team could identify the race, [13] nationality or ethnicity of its current employees; is [14] that correct, sir?

[15] MR. REINER: Object to the form of the [16] question. You may answer.

[17] THE WITNESS: That is correct.

[18] BY MR. LINDSAY:

[19] Q: Sir, have there been any coaches, players [20] or other employees of the Washington football team [21] whom you consider to be famous native Americans?

[22] MR. REINER: Object to the form of the

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[1] question. You can answer the question.

[2] THE WITNESS: Not that I know of.

[3] BY MR. LINDSAY:

[4] Q: Do you remember Lone Star Deitz to have [5] been a famous native American?

[6] A: I really don't know.

[7] MR. LINDSAY: This is probably a good time [8] for our lunch break.

[9] MR. REINER: Okay.

[10] (Whereupon, a luncheon recess was [11] taken.)

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[1] AFTERNOON SESSION

[2] Whereupon,

[3] JOHN KENT COOKE [4] was recalled as the witness and, having been [5] previously duly sworn, was examined and testified [6] further as follows:

[7] EXAMINATION BY COUNSEL FOR PETITIONERS

[8] CONTINUED

[9] BY MR. LINDSAY:

[10] Q: Mr. Cooke, other than conversations with [11] your counsel, have you spoken with anyone about [12] today's deposition?

[13] A: Just my secretary and my wife.

[14] Q: And were those communications simply about [15] the scheduling details?

[16] A: Exactly.

[17] Q: You have not spoken with anyone other than [18] counsel about the substance of this deposition?

[19] A: That's correct - I also told my father [20] where I was going to be today.

[21] Q: Did you talk with your father at all about [22] the substance of this deposition?

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[1] A: I did not.

[2] Q: Sir, did you review any documents in [3] preparation for this deposition?

[4] A: I did.

[5] Q: What documents did you review?

[6] A: The interrogatories.

[7] Q: When you say the interrogatories, do you [8] mean Pro-Football, Inc.'s, responses to the [9] interrogatories?

[10] A: That's correct.

[11] Q: Other than Pro-Football, Inc.'s, responses [12] to the interrogatories, have you reviewed any other [13] documents in preparation for this deposition?

[14] A: I have not.

[15] Q: Sir, did your counsel show you any [16] documents in connection with preparing for this [17] deposition?

[18] A: In connection with what?

[19] Q: Preparing for this deposition?

[20] A: No, other than the interrogatories.

[21] Q: Other than with your counsel, have you [22] spoken with anyone about the lawsuit that brings us

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[1] here today?

[2] MR. REINER: What time frame, Counselor?

[3] MR. LINDSAY: At any time.

[4] THE WITNESS: I'm having trouble hearing [5] you, so I'm going to have to put my hearing aid in.

[6] MR. LINDSAY: I'm sorry, sir.

[7] THE WITNESS: It's not your fault.

[8] BY MR. LINDSAY:

[9] Q: Are you able to hear me now, sir?

[10] A: Yes, thank you.

[11] Q: Have there been any questions today which [12] you do not believe you were able to hear?

[13] A: None.

[14] Q: This morning, sir, you testified that [15] Pro-Football, Inc., reserves to itself the right to [16] have prior approval of uses of the Pro-Football, [17] Inc.'s, trademarks by the band and by the [18] cheerleaders; do you generally recall that testimony?

[19] A: Yes, I do.

[20] Q: Are there guidelines for determining [21] whether to authorize a particular use?

[22] A: There are general guidelines, but it

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[1] depends on the specific use.

[2] Q: Are those guidelines reduced to writing in [3] any way?

[4] A: I don't think so.

[5] Q: What is the substance of the general [6] guidelines?

[7] A: Well we have our logo and our team colors [8] that are recorded and we try to use those uniformly [9] in whatever we do, whether it's advertising or [10] publicity or the use by places or organizations like [11] the Redskins or the band or any of our sponsors.

[12] Q: By uniformity, do you mean uniformity of [13] the physical characteristics such as color and [14] configuration?

[15] A: Exactly.

[16] Q: Other than uniformity of use, are there any [17] general guidelines?

[18] A: The general guidelines I would say would be [19] just in the image that we want to project. And, as I [20] say, it depends on the specific uses.

[21] Q: What image is it that you wish to project?

[22] A: Professional, wholesome, clean-cut image.

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[1] Q: In describing the image that you wish the [2] Washington football team to project, are there other [3] words besides professional, wholesome and clean-cut [4] that you would use to describe it?

[5] A: I'm sure, but on the spur of the moment, [6] that will have to suffice.

[7] Q: What do you mean by professional?

[8] A: Well we are, after all, a professional [9] sport and we expect our players and our coaches to [10] act in a professional manner. It's frankly easier to [11] say what they aren't going to be.

[12] Q: Give me some examples of what they aren't [13] going to be.

[14] A: We don't want them to be sloppy on the [15] field with their shirt tails out. We don't want them [16] to be boastful on the sidelines. We don't want them [17] to be ignoring our fans. We want them to be [18] available to the press, that kind of a thing.

[19] Q: What do you mean by wholesome?

[20] A: Well, for instance, the Redskins' [21] uniforms, they are young girls from the age of 18 to [22] their late 20s, I presume, and the uniform is

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[1] basically a bathing suit and it covers them up [2] completely. They don't show too much thigh or [3] cleavage. They wear sweaters like collegiate [4] cheerleaders rather than some other clubs that I [5] could name.

[6] Q: Anything else that you mean by wholesome?

[7] A: We -- I think that would -- that should be [8] sufficient.

[9] Q: What do you mean by clean-cut?

[10] A: Well, we encourage our players to dress in [11] a shirt and tie whenever they make public [12] appearances, to keep their hair cut short, clean [13] shaven, or if they have beards and mustaches, to have [14] them trimmed.

[15] Q: Are there any types of language that you [16] wish players or other team representatives to avoid?

[17] A: Yes.

[18] Q: What types of language are those?

[19] A: We don't want them to swear publicly. We [20] don't want them to be boastful, taunting to other [21] players.

[22] Q: Any other types of language that you do not

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[1] wish them to use?

[2] A: Not that I can think of. We certainly like [3] them to be well-spoken.

[4] Q: Do you wish them to avoid using racial [5] epithets?

[6] A: Yes.

[7] Q: When you say that you wish them to avoid [8] racial epithets, can you please give me examples of [9] the types of language you have in mind?

[10] A: I don't think it would be appropriate if [11] they would call the other team players or themselves [12] niggers, as you used the word earlier in this [13] deposition, or any of the other words that you used [14] in this deposition, or any other obscene words.

[15] Q: Do you wish them to avoid calling native [16] Americans on any other teams Redskins?

[17] MR. REINER: Object to the question.

You [18] may answer it.

[19] THE WITNESS: I object to them calling the [20] names that I gave you before. I don't know if [21] that -- if that can be construed as a derogatory [22] word. That's up to the players.

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[1] BY MR. LINDSAY:

[2] Q: Sir, a few moments ago I asked you whether [3] you had spoken with anyone about this lawsuit other [4] than communications with your counsel and I believe [5] that we took a short break at that point and that I [6] did not receive an answer to my question.

[7] Have you spoken with anyone about this [8] lawsuit other than communications with your counsel, [9] at any time?

[10] A: Yes.

[11] Q: With whom have you spoken?

[12] A: I've spoken to our house counsel at Jack [13] Kent Cooke, Incorporated, and his assistant. I have [14] spoken to my secretary for the preparation of [15] preparing to get documents as were requested from us. [16] I've spoken to our PR director and some people in the [17] PR department about obtaining those documents as was [18] requested. I think that's about it.

[19] Q: When you say house counsel for Jack Kent [20] Cooke, Incorporated, are you referring to lawyers?

[21] A: Yes.

[22] Q: And was the purpose of those communications

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[1] to seek legal advice?

[2] A: Yes.

[3] Q: With respect to your secretary -- I'm [4] sorry, were you completed with your answer?

[5] A: I'm finished.

[6] Q: With respect to your secretary, have you [7] had any discussions with her about this lawsuit, [8] other than those dealing with the collection of [9] documents?

[10] A: No.

[11] Q: With respect to the PR director, have you [12] had any discussions other than with respect to [13] obtaining documents?

[14] A: That's correct.

[15] Q: That you have had no discussions?

[16] A: No other discussions.

[17] Q: Have you given the press director any [18] instructions as to how he should respond to inquiries [19] concerning this lawsuit?

[20] A: No.

[21] Q: Has anyone given the press director those [22] instructions?

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[1] A: Not that I know of.

[2] Q: When you say press director, is that Mr. [3] Vaughan?

[4] A: Yes. It's a PR director, public relations [5] director, not a press director.

[6] Q: Have you spoken with any representatives of [7] American-Indian organizations about this lawsuit?

[8] A: No.

[9] Q: Have you spoken with any representative of [10] the Bureau of Indian Affairs about this lawsuit?

[11] A: No.

[12] Q: Sir, this morning you testified to having [13] heard I believe it was the word injun in movies. Let [14] me ask you a series of questions about that.

[15] First of all, do you recall any particular [16] movies in which you heard the word injun?

[17] A: No, I do not.

[18] Q: Do you recall the general type of movies in [19] which you heard the word injun?

[20] A: I do.

[21] Q: You do?

[22] A: Yes.

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[1] Q: And what type of movies are those?

[2] A: Cowboy western movies.

[3] Q: Do you recall any of the leading actors in [4] those movies?

[5] A: No, I don't.

[6] Q: For example, John Wayne?

[7] A: I do not.

[8] Q: Do you recall any of the directors of those [9] movies?

[10] A: I do not.

[11] Q: When was it, approximately, that you saw [12] movies in which you recall hearing the word injun?

[13] A: I can't remember exactly, but it was when I [14] was a boy.

[15] Q: Sir, when you were a boy, did you also [16] listen to radio programs?

[17] A: Yes.

[18] Q: Did you listen to any western style radio [19] programs?

[20] A: I don't recall now.

[21] Q: Do you recall listening to the Lone Ranger, [22] for example?

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[1] A: Yes, I think I did.

[2] Q: Do you recall whether in episodes of the [3] Lone Ranger you ever heard the word Redskin?

[4] A: No, I don't recall today.
[5] Q: Do you recall in any other radio programs [6] that you listened to ever hearing the word Redskin?
[7] A: No, I don't.
[8] Q: Is there an official team photographer for [9] the Washington football team?
[10] A: Yes.
[11] Q: Who is that?
[12] A: Donnie Schoemm.
[13] Q: Could you please spell that name, please?
[14] A: I think it's S-C-H-O-E-M-M. He is the [15] director of photography and video.
[16] Q: Is he an employee of Pro-Football, Inc.?
[17] A: He is.
[18] Q: How long has he held that position?
[19] A: I think since 1988.
[20] Q: Did he have a predecessor?
[21] A: He did.
[22] Q: Who was that?

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[1] A: Nate Fine, F-I-N-E.
[2] Q: Is Mr. Fine still with Professional [3] Football, Inc.?
[4] A: No, Nate Fine died in 1988, I believe.
[5] Q: How long had Mr. Fine held that position?
[6] A: 50 years.
[7] Q: 50?
[8] A: Yes.
[9] Q: Does Pro-Football, Inc., have any policies [10] with respect to the retention of photographs or [11] videos?
[12] A: What do you mean intention?
[13] Q: Retention?
[14] A: Oh, retention. The photographs that we use [15] are provided to us mainly by still photographers who [16] we hire and we have the use of their photographs for [17] publicity, for our publications.
[18] Other than that, they retain the ownership [19] of the photograph and they are, in turn, allowed to [20] sell it to Sports Illustrated, New York Times, what [21] have you.
[22] Q: Apparently, sir, my question was not clear.

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[1] By retention, I mean does Pro-Football, [2] Inc., have any policies with respect to how [3] long it will keep copies of the photographs?
[4] A: We don't have the copies. The copies are [5] retained by the photog-

raphers. We have use of them [6] and we also in the NFL have NFL Properties, which has [7] its own photographers and they do keep a morgue of [8] photographs of all the teams and we have the use of [9] those photographs, as well.

[10] In many cases the photographs that NFL [11] Properties have are provided by the team [12] photographers that we have here in Washington.

[13] Q: I'm sorry, you said NFL Properties has a [14] morgue of photographs?

[15] MR. REINER: I don't believe the witness [16] used the word morgue.

[17] THE WITNESS: I did.

[18] MR. REINER: Did you use the word morgue? [19] I didn't hear you.

[20] THE WITNESS: Files of them, they keep on [21] file.

[22] BY MR. LINDSAY:

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[1] Q: Does Pro-Football, Inc., have any right to [2] obtain copies of pictures from NFL Properties?

[3] A: Yes, they do.

[4] Q: Are those rights set forth in some [5] document?

[6] A: I don't know.

[7] Q: What is your understanding of the nature of [8] the rights?

[9] A: Whenever we need a photograph, we ask for [10] it and it's provided.

[11] Q: Is there any charge?

[12] A: No.

[13] Q: Has Pro-Football, Inc., asked for any [14] photographs in connection with this lawsuit?

[15] A: No.

[16] Q: Do you have an understanding as to how far [17] back NFL Properties morgue of photographs goes?

[18] A: No, I don't.

[19] MR. REINER: If you want to clarify it.
[20] The witness would like to clarify something.

[21] MR. LINDSAY: That's fine.

[22] THE WITNESS: Part of this request that you

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[1] all made to us was to provide pictures of the band [2] and the Redskinettes and we provided those pictures. [3] We might have asked, I'm not sure where they came [4] from, we might have asked NFL Properties to check [5] their files to get those pictures. And they might [6] have been on hand in our own publications and they [7] might have been duplicated from those publications [8] that we've used.

[9] The reason I remembered 1987 so well, that [10] was our anniversary. We

had compiled pictures of the [11] history of the Redskins. So I thought I better [12] clarify that. We might have asked Properties for [13] some pictures to fulfill your document requests.

[14] BY MR. LINDSAY:

[15] Q: When you say in 1987 you compiled a history [16] of photographs, what do you mean?

[17] A: We had a 50th anniversary yearbook produced [18] at that time and I think the yearbook was every [19] decade, five decades, and it highlighted different [20] things that happened in each of those decades.

[21] Q: Is that the only yearbook that the [22] Washington football team has ever produced?

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[1] A: No, it is not.

[2] Q: What other yearbooks has the Washington [3] football team produced?

[4] A: I think we've had a yearbook ever since [5] 1981.

[6] Q: Sir, for the 50th anniversary yearbook, [7] where did Professional Football, Inc., obtain the [8] photographs that you said were compiled?

[9] A: They came from NFL Properties. They came [10] from the Hall of Fame and they came from some fans [11] that have had season seats since the Redskins came [12] here who collected these things, collectors.

[13] Q: For the yearbooks that have been produced [14] every year since 1981, where do the pictures come [15] from?

[16] A: Well usually those yearbooks are a recap of [17] that year - actually it's the previous year, and so [18] it would be photographs of the games and the players [19] who were playing on the team that year.

[20] Q: What else besides photographs of the [21] players on the team for that year do the yearbooks [22] contain?

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[1] A: Yearbooks will contain a page that lists [2] the personnel, the head coach, the general manager, [3] the owner, some staff members. If an award had been [4] given to the Redskins or one of its staff, it would [5] be featured.

[6] For instance, this year the cover of the [7] yearbook is going to be the 1937 trophy which was [8] found recently. There's only five of them left in [9] the history of football and that will be on the [10] cover. It's an extraordinary event in our field.

[11] Q: About how many pages are these annual [12] yearbooks, on average?

[13] A: On average I would say they would be about [14] 34, 36 pages.

[15] Q: Are they hard bound or paper bound?

[16] A: Some - they are usually paper bound, but [17] we will, on the Superbowl year, issue hard bound [18] ones.

[19] Q: To whom are they distributed?

[20] A: They are distributed to the fans.

[21] Q: I take it they are sold to the fans; that's [22] a yes?

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[1] A: They are offered to them, principally in [2] the greater Washington area, although they are also [3] sold along with other yearbooks of other teams [4] throughout the country at airports.

[5] Q: Was the 50th anniversary issue distributed [6] in the same fashion?

[7] A: No. I think the 50th anniversary was [8] distributed just locally.

[9] Q: Again, sold to fans or at least offered for [10] sale to fans?

[11] A: Fans, yes.

[12] Q: Does Mr. Schoemm, himself, take pictures of [13] the Washington team?

[14] A: Occasionally, yes.

[15] Q: What does he do with his pictures?

[16] A: He has them on file in his offices.

[17] Q: Did Mr. Fine take pictures of the team?

[18] A: Yes, he did.

[19] Q: While he was still with the team, did he [20] also keep copies of the pictures on file in his [21] office?

[22] A: He had some, yes.

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[1] Q: What has happened to the pictures that he [2] kept in his office?

[3] A: I think that Donnie Schoemm inherited [4] those.

[5] Q: Sir, who is Princess Palemoon?

[6] A: Princess Palemoon is a singer who lives in [7] Northern Virginia.

[8] Q: Is she in any way associated with the [9] Washington football team?

[10] A: No, she is not.

[11] Q: Has she ever been?

[12] A: She has performed the national anthem a few [13] times for the Washington Redskins.

[14] Q: At whose request?

[15] A: It would be at the request of the [16] entertainment director of the pre-game and half-time [17] shows.

[18] Q: When did she last do so?

[19] A: I don't know exactly.

[20] Q: Approximately?

[21] A: I think it was about the mid-80s, wasn't [22] it?

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[1] Q: Were you present?

[2] A: I remember seeing her on one occasion, yes.

[3] Q: On one occasion when she was singing?

[4] A: Yes.

[5] Q: How was she dressed?

[6] A: As I recall, she was in native American [7] dress.

[8] Q: What do you mean by native American dress?

[9] A: It had Indian motives on it, I believe.

[10] Q: What do you mean?

[11] A: Pardon?

[12] Q: What do you mean?

[13] A: Well I can't remember, exactly.

[14] Q: Have you, yourself, ever spoken with [15] Princess Palemoon?

[16] A: I don't think so.

[17] Q: Other than in personal conversations, have [18] you ever otherwise communicated with Princess [19] Palemoon?

[20] A: Would you repeat the question?

[21] MR. REINER: Why don't you read it back.

[22] (The reporter read the record as

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[1] requested.)

[2] THE WITNESS: I haven't had any personal [3] conversations with her.

[4] BY MR. LINDSAY:

[5] Q: Have you ever spoken with Ms. Palemoon, [6] Princess Palemoon on the telephone?

[7] A: Not that I can recall.

[8] Q: Have you ever received a letter from [9] Princess Palemoon?

[10] A: I don't remember.

[11] Q: Have you ever sent a letter to Princess [12] Palemoon?

[13] A: I don't remember.

[14] Q: Does Princess Palemoon have a legal name?

[15] A: I don't remember.

[16] Q: Do you have an understanding as to whether [17] Princess Palemoon is, in fact, a native American?

[18] MR. REINER: Object to the form of the [19] question. You may answer.

[20] THE WITNESS: It is my understanding she [21] is, yes.

[22] BY MR. LINDSAY:

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[1] Q: And on what do you base that understanding?

[2] A: On what I was told.

[3] Q: By whom?

[4] A: By the program director at that time.

[5] Q: Who was that?

[6] A: Joel Margolis.

[7] Q: What did Mr. Margolis tell you?

[8] A: He told me that she was a native American [9] and that she was a singer of the national anthem and [10] a very fine one.

[11] Q: Is Mr. Margolis still the director of [12] entertainment?

[13] A: No, he died, he died. I don't recall the [14] year he did.

[15] Q: Did Mr. Margolis ever tell you that she was [16] an enrolled member of a federally recognized tribe?

[17] MR. REINER: Object to the form of the [18] question. You may answer it.

[19] THE WITNESS: He never told me that.

[20] BY MR. LINDSAY:

[21] Q: Has anyone besides Mr. Margolis told you [22] that Princess Palemoon is a native American?

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[1] A: Not that I can recall.

[2] Q: Was this Princess Palemoon paid for her [3] performance?

[4] A: I don't remember.

[5] Q: Other than through monetary payment, did [6] the Washington football team in any way compensate [7] her for her performance?

[8] A: I don't think so.

[9] Q: Is there a reason why this Princess [10] Palemoon has not performed with the Washington [11] football team since I believe you said the mid-1980s?

[12] MR. REINER: Objection to the form of the [13] question. You may answer.

[14] THE WITNESS: Yes.

[15] BY MR. LINDSAY:

[16] Q: And what is that answer?

[17] A: We didn't think that it would be [18] appropriate to have her perform in the future because [19] there was some question in the press that she was not [20] a native American. We didn't want to misrepresent [21] her and we didn't know whether she was or not.

[22] Q: Did the Washington football team take steps

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[1] to investigate whether this Princess Palemoon was, in [2] fact, a native American?

[3] A: No, we did not.

[4] Q: When the controversy arose, the Washington [5] football team simply decided no longer to use her?

[6] MR. REINER: Object to the form of the [7] question. I don't think the witness said there was a [8] controversy.

[9] MR. LINDSAY: I believe the witness said [10] controversy in the press.

[11] MR. REINER: I don't remember the word [12] controversy. Maybe I'm wrong.

[13] MR. LINDSAY: Would you read back the [14] witness' previous answer.

[15] (The reporter read the record as [16] requested.)

[17] BY MR. LINDSAY:

[18] Q: When the press raised these questions, did [19] the Washington football team simply decide to cease [20] using this Princess Palemoon's services?

[21] MR. REINER: Object to the form of the [22] question. You may answer it.

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[1] THE WITNESS: That's correct.

[2] BY MR. LINDSAY:

[3] Q: Who made that decision?

[4] A: I did.

[5] Q: Did you consult with anyone before making [6] the decision?

[7] A: I think I might have talked to the [8] entertainment director at that time.

[9] Q: And who was that?

[10] A: I think that was Joel Margolis.

[11] Q: Did Mr. Margolis agree?

[12] A: Yes.

[13] Q: Did he tell you why?

[14] MR. REINER: Object to the question. You [15] may answer it.

[16] THE WITNESS: He agreed with me that we [17] didn't think that it was appropriate to misrepresent [18] anybody associated with the Washington Redskins.

[19] BY MR. LINDSAY:

[20] Q: Misrepresenting in what way?

[21] A: Well, if a singer had said that he had [22] performed on Broadway and in Oscala and he didn't do

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[1] these things, that would be misrepresentation. We [2] don't want to be a part of that.

[3] Q: In what way did you believe this Princess [4] Palemoon either was or might be misrepresenting [5] herself?

[6] MR. REINER: Asked and answered, but do it [7] again, one more time.

[8] THE WITNESS: The press reported that she [9] might not be a native American or represent native [10] Americans and we didn't think it would be appropriate [11] to present someone who was not what they said they [12] were.

[13] BY MR. LINDSAY:

[14] Q: Was it your belief that the Washington [15] football team had somehow represented to the public [16] that this Princess Palemoon was a native American?

[17] A: Yes, we did.

[18] Q: In what way had the Washington football [19] team so represented?

[20] A: In the presentation of her singing the [21] national anthem, in our program when we describe that [22] she was a guest of ours singing the national anthem.

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[1] Q: Did the Washington football team take any [2] steps to correct this misrepresentation to the [3] public?

[4] MR. REINER: Object to the form of the [5] question. You may answer it.

[6] THE WITNESS: I don't know if it was a [7] misrepresentation.

[8] BY MR. LINDSAY:

[9] Q: Did the Washington football team take any [10] steps to communicate to the public that its prior [11] representations of Princess Palemoon as a native [12] American might have been erroneous?

[13] MR. REINER: Object to the question. You [14] may answer it.

[15] THE WITNESS: No.

[16] BY MR. LINDSAY:

[17] Q: Why not?

[18] MR. REINER: Object to the question. You [19] may answer it.

[20] THE WITNESS: People go to see the [21] Washington Redskins play football, not to hear the [22] national anthem.

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[1] BY MR. LINDSAY:

[2] Q: Sir, have you ever heard of the [3] American-Indian Heritage Foundation?

[4] A: Yes, I have.

[5] Q: What is that?

[6] A: I think that is a - I'm not too sure what [7] it is, but I think that Princess Palemoon is [8] associated with that.

[9] Q: Other than a possible belief that this [10] Princess Palemoon is associated with the [11] American-Indian Heritage Foundation, do you have any [12] other information as to what that entity is or what [13] its purposes are?

[14] A: No, I don't.

[15] Q: Has the Washington football team ever made [16] any financial donations to that group?

[17] A: No.

[18] Q: Has -

[19] A: Other than, perhaps, that she was paid for [20] her appearance.

[21] Q: Who is Chief Z?

[22] A: Chief Z is Zema Williams, a Redskin fan, a

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[1] die-hard Redskin fan who was - thought of himself as [2] the team mascot in the early '80s.

[3] Q: You say that Mr. Williams thought of [4] himself as a team mascot. Was he a team mascot?

[5] A: No.

[6] Q: Did he have any kind of association with [7] the Washington football team?

[8] A: No official association with us.

[9] Q: Was he provided free tickets to games?

[10] A: He got free tickets.

[11] Q: From whom?

[12] A: From Joel Margolis' replacement.

[13] Q: Who was that?

[14] A: His name was Dale Morse.

[15] Q: Is Mr. Morse still with Professional [16] Football, Inc.?

[17] A: No, he is not. No, he is not.

[18] Q: Was he fired?

[19] A: Yes, he was.

[20] Q: When was that?

[21] A: I don't recall exactly.

[22] Q: Where is he now?

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[1] A: I don't know.

[2] Q: Is he associated with any other football [3] team now?

[4] A: Not that I know of.

[5] Q: Or with the NFL?

[6] A: Not that I know of.

[7] Q: Could you please spell his name?

[8] A: M-O-R-S-E, Dale, D-A-L-E.

[9] Q: Why was he fired?

[10] MR. REINER: Object to the question. [11] Unless you can show, lay a foundation that this has [12] something to do with this litigation -

[13] MR. LINDSAY: Counsel, if you wish to [14] stipulate that everything that Mr. Dale Morse may say [15] adverse to the interest of the Pro-Football team is [16] true, then I will withdraw the question.

[17] MR. REINER: No, I'm not going to [18] stipulate.

[19] MR. LINDSAY: Fine, then I will continue [20] with my line of inquiry.

[21] MR. REINER: What was the question again, [22] please.

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[1] (The reporter read the record as [2] requested.)

[3] MR. REINER: If it has something to do with [4] the use of the name Redskins or anything to do with [5] issues in this

litigation, you may answer it.

[6] MR. LINDSAY: And that is not my question.

[7] THE WITNESS: It has nothing to do with it.

[8] BY MR. LINDSAY:

[9] Q: Then why was he fired, sir?

[10] THE WITNESS: You want me to answer it?

[11] MR. REINER: Let me consult with my client.

[12] (Witness conferred with counsel)

[13] MR. REINER: All right. The witness will [14] respond.

[15] THE WITNESS: He was fired because he was [16] passing out passes to people. As you probably - [17] well you don't know, you're from Minneapolis. We've [18] been sold out for 30 years, very difficult to get [19] into our games; and he was handing out his own passes [20] that he had made like a little business card so that [21] they could get through the security guards at the [22] employee entrances.

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[1] It was alleged at the time that he was also [2] receiving gifts from different vendors at the stadium [3] and he was not reporting to work in a responsible [4] way.

[5] BY MR. LINDSAY:

[6] Q: Anything else?

[7] A: Not that I can recall.

[8] (Whereupon, pages 123 through 125 were [9] deemed confidential and are bound [10] under separate cover.)

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[1] BY MR. LINDSAY:

[2] Q: Is Mr. Morse a member of any minority [3] group?

[4] A: Yes.

[5] Q: What group is that?

[6] A: Well, he is black.

[7] Q: I believe, sir, that you said Mr. Morse was [8] terminated in the late 1980s. How long had he been [9] employed?

[10] A: He had - just a few years.

[11] Q: What was Mr. Morse's formal title?

[12] A: Director of stadium operations.

[13] Q: To whom did he report?

[14] A: He reported to me - well, he was - he [15] worked with Joel Margolis for a couple of years and [16] then when Joel died and I promoted Dale to be stadium [17] operations director, he then reported directly to me.

[18] Q: From your testimony already today, I gather [19] that there has also been within the Washington [20] football team a director of entertainment; is that [21]

correct?

[22] A: That is one and the same positions, right.

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[1] Q: As director of stadium operations?

[2] A: Right.

[3] Q: There is also a director of public [4] relations?

[5] A: That's correct.

[6] Q: Are there other positions which also [7] hold - excuse me, whose titles also include the [8] title director?

[9] A: Yes, most of them do.

[10] Q: What are those positions?

[11] A: Director of photography, that's Donnie [12] Schoemm. I'll have to get the press guide on the [13] titles for you.

[14] Q: I don't need the exact titles, I just [15] wanted to make sure I have all of the positions.

[16] A: The divisions?

[17] Q: Positions.

[18] A: Positions. I think that's - as far as the [19] title is concerned, that's all we have, just in the [20] PR and in the video and in the stadium operations, [21] just those three.

[22] Q: And those three report directly to you?

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[1] A: Yes.

[2] Q: Do the persons who hold those positions [3] have assistant directors?

[4] A: Some do, yes.

[5] Q: In the last ten years, have there been [6] other directors or assistant directors other than Mr. [7] Morse who were fired?

[8] A: Who were fired? Yes.

[9] Q: Who?

[10] MR. REINER: Well again, we are getting [11] into areas now that they don't directly relate to the [12] litigation and may be getting involved in something [13] that's confidential.

[14] THE WITNESS: That's correct. This is [15] another case and it is confidential, same provisions.

[16] MR. REINER: All right. Let me speak to my [17] client.

[18] (Counsel conferred with witness)

[19] THE WITNESS: This other example has [20] nothing whatever to do with this case.

[21] BY MR. LINDSAY:

[22] Q: What position did this person hold?

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[1] A: He was a director of public relations.

[2] Q: For what years?

[3] A: I don't remember. It was in the 1980s, [4] latter part of 1980s.

[5] Q: And from your remarks a moment ago, I [6] gather that there was some kind of legal proceedings [7] against the Washington football team in connection [8] with this director of public relations?

[9] A: That's correct.

[10] Q: In what Court or other agency?

[11] A: It was an agency here in the District of [12] Columbia.

[13] Q: Do you recall which agency?

[14] A: No, I don't.

[15] Q: Was this director of public relations a [16] member of any minority group?

[17] A: He was.

[18] Q: What group was that?

[19] A: He was black.

[20] Q: And these legal proceedings were commenced [21] in the 1980s; is that correct?

[22] A: Yes.

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[1] Q: Do you recall more precisely when?

[2] A: No, I don't.

[3] Q: Are the proceedings still pending?

[4] A: No.

[5] Q: Have they been resolved?

[6] A: They have been resolved.

[7] Q: By way of settlement?

[8] A: I think they were dismissed in this case.

[9] Q: Who represented the Washington football [10] team in those proceedings?

[11] A: Hogan and Hartson.

[12] Q: What was this person's name?

[13] A: His name was Donnie Tuck, T-U-C-K.

[14] Q: How long was he director of public [15] relations?

[16] A: Approximately two years.

[17] Q: Had he been employed with the Washington [18] football team before then?

[19] A: Just for those two years, right.

[20] Q: Why was he terminated?

[21] MR. REINER: Object. Counselor, I have [22] been very understanding and tolerate of your

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[1] interests in trying to get information, but the [2] witness has informed you that it had nothing to do [3] with the issues relating to the name of the team or [4] anything to do with these proceedings. [5] In view of the confidentiality of these

[6] matters, I'm going to instruct the witness not to [7] provide any more information. If you believe that [8] the Board will sustain any further inquiry in these [9] areas, you may make whatever motions or applications [10] that you will, but I don't believe so, so I'm going [11] to instruct him not to give any more information on [12] this particular matter.

[13] **BY MR. LINDSAY:**

[14] **Q:** Sir, your counsel has referred to [15] confidentiality.

[16] Is it your testimony that this matter was [17] dismissed and was not settled by way of a binding [18] agreement between Pro-Football, Inc., and Mr. Tuck?

[19] **A:** I'm not sure how the - I'm not sure of the [20] final resolution. It could be one or the other.

[21] **Q:** What were Mr. Tuck's responsibilities as [22] director of public relations?

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[1] **MR. REINER:** I don't believe we are going [2] to go into this anymore. You have not laid a [3] foundation that it has anything to do with the name [4] of the team or anything relating to the use of the [5] name of the team.

[6] Now if you want to inquire as to other [7] areas concerning Mr. Tuck's work in relation to the [8] team, Mr. Cooke is here to answer questions relating [9] to the name of the team. So you may go on. We'll [10] take it under advisement when we get the questions.

[11] **MR. LINDSAY:** With respect to the pending [12] question, are you instructing the witness not to [13] answer?

[14] **MR. REINER:** Let me hear the question [15] again, please.

[16] (The reporter read the record as [17] requested.)

[18] **MR. REINER:** All right. You may answer [19] that.

[20] **THE WITNESS:** He was to deal with the [21] press, with our coaches, with our players and with [22] the public.

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[1] **BY MR. LINDSAY:**

[2] **Q:** When you say deal with the press, the [3] players and the public, on what topics?

[4] **A:** Football.

[5] **Q:** Did he oversee the issuance of press [6] releases?

[7] **A:** Yes.

[8] **Q:** Did he oversee the issuance of other public [9] statements about the Washington football team?

[10] **A:** He was supposed to.

[11] **Q:** When you say deal with the players, what do [12] you mean?

[13] **A:** Well, as I think I have previously said, [14] the PR director will make arrangements for personal [15] appearances of players, will arrange for players to [16] be interviewed by the press, for the written press [17] and for radio and television, as well as personal [18] appearances.

[19] **Q:** Other than what you have described as to [20] Mr. Tuck's responsibilities for dealing with the [21] press and the players, are there other fashions in [22] which his responsibilities included dealing with the

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[1] public?

[2] **A:** Yes. There's an overlap. There would [3] be - the PR director would be involved with our [4] promotions and our sponsorships, as well.

[5] **Q:** When you say promotions and sponsorships, [6] what do you mean?

[7] **A:** Promotions would be something like a [8] giveaway at a Redskin game that might be sponsored by [9] a corporation. For instance, Mobil Oil Corporation [10] might pay for and want us to distribute to 55,000 [11] fans a pennant, let's say.

[12] **Q:** Who made the decision to terminate Mr. [13] Tuck?

[14] **A:** I did.

[15] **MR. LINDSAY:** Why don't we take our break.

[16] **MR. REINER:** Fine.

[17] (Discussion off the record)

[18] **BY MR. LINDSAY:**

[19] **Q:** You said, sir, that Mr. Zema Williams was [20] not an official mascot of the Washington football [21] team?

[22] **A:** That's correct.

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[1] **Q:** Was he in some sense an unofficial mascot?

[2] **A:** No.

[3] **Q:** Do you believe that others perceived him to [4] be a mascot of the team?

[5] **A:** I don't know what others perceived.

[6] **Q:** I understand, sir, that you do not actually [7] know what others perceived.

[8] My question is: Did you believe that [9] others perceived that he was an unofficial mascot?

[10] **A:** I don't know what others believed.

[11] **Q:** Did you have any understanding as to [12] whether others perceived Mr. Zema Williams to be a [13] mascot?

[14] **MR. REINER:** Objection. The witness just [15] answered twice.

[16] **MR. LINDSAY:** Actually, he hasn't answered [17] once and I'm trying to -

[18] **MR. REINER:** He said he didn't know what [19] other people believed.

[20] **MR. LINDSAY:** I move to strike the last two [21] answers as nonresponsive to the specific questions [22] that were asked.

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[1] **MR. REINER:** Fine.

[2] **BY MR. LINDSAY:**

[3] **Q:** Sir, do you have any understanding as to [4] whether others perceived Mr. Zema Williams to be a [5] mascot -

[6] **MR. REINER:** Object to the question as [7] being vague. Object, calls for speculation, but you [8] may answer, if you can.

[9] **MR. LINDSAY:** May I complete my question [10] now, Counsel?

[11] **MR. REINER:** I thought you had, Counselor. [12] It sounded complete to me. But go ahead. Had you [13] withdrawn what was already asked?

[14] **MR. LINDSAY:** I will withdraw what was [15] asked -

[16] **MR. REINER:** All right, fine.

[17] **MR. LINDSAY:** - and restate the question.

[18] **BY MR. LINDSAY:**

[19] **Q:** Do you have any understanding, sir, as to [20] whether others have perceived Mr. Zema Williams as [21] any kind of mascot for the Washington football team?

[22] **MR. REINER:** Object to the question. Same

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[1] reasons stated. You may answer.

[2] **THE WITNESS:** I don't know.

[3] **MR. LINDSAY:** Would you please mark that?

[4] (John K. Cooke Deposition Exhibit No. [5] 1 was marked for identification.)

[6] **BY MR. LINDSAY:**

[7] **Q:** Mr. Cooke, I am showing you what has been [8] marked as John K. Cooke Exhibit 1. I ask you to [9] review that document.

[10] (Witness examined document)

[11] **BY MR. LINDSAY:**

[12] **Q:** Have you finished reviewing the exhibit?

[13] **A:** I have read it.

[14] **Q:** Have you seen Exhibit 1 before?

[15] **A:** Yes.

[16] **Q:** Do you see, sir, in the first paragraph [17] that there is reference to this Mr. Zema Williams or [18] Chief Z as the mascot for the Washington football [19] team?

[20] **A:** Yes.

[21] **Q:** Does that refresh your under-

standing as to [22] whether others have perceived Mr. Zema Williams as a

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[1] mascot for the Washington football team?

[2] A: No. It shows me that this man thought so, [3] now that I've read the letter, or woman. Susan.

[4] Q: So you agree that the author of that letter [5] perceived Mr. Zema Williams to be the mascot of the [6] Washington football team?

[7] A: I do.

[8] Q: At the time in 1983 did you agree that Mr. [9] Zema Williams was a mascot for the Washington [10] football team?

[11] MR. REINER: Object to the question. Agree [12] with whom, Counselor?

[13] MR. LINDSAY: The author of Exhibit 1.

[14] MR. REINER: I object to the question [15] again. No foundation has been laid for any questions [16] about what he, Mr. Cooke, did or did not do with [17] respect to this letter.

[18] BY MR. LINDSAY:

[19] Q: You may answer the question, sir.

[20] MR. REINER: If you can answer this [21] question. Listen to the question.

[22] THE WITNESS: Would you repeat the

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[1] question.

[2] (The reporter read the record as [3] requested.)

[4] THE WITNESS: I don't recall.

[5] BY MR. LINDSAY:

[6] Q: Did you take any steps, sir, to alter the [7] perception by the author of Exhibit 1 that Mr. [8] Williams was a mascot of the Washington team?

[9] A: I don't recall.

[10] (Whereupon, pages 140 through 151 were [11] deemed confidential and are bound [12] under separate cover.)

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[1] BY MR. LINDSAY:

[2] Q: Does Mr. Zema Williams still attend [3] Washington football games?

[4] A: I don't know.

[5] Q: Has the Washington football team ever [6] demanded that Mr. Williams cease from any particular [7] form of behavior?

[8] A: Yes.

[9] Q: From what behavior has it demanded that he [10] cease?

[11] A: He not be on the field.

[12] Q: Any other behavior?

[13] A: Not that I can recall.

[14] Q: Is Mr. Williams a native American?

[15] A: I don't know.

[16] Q: Have you ever taken steps to determine [17] whether he is a native American?

[18] A: No.

[19] Q: Have you ever asked anyone to determine [20] whether he is a native American?

[21] A: Not that I can recall.

[22] Q: Did you, yourself, ever see Mr. Williams at

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[1] a Washington football team game?

[2] A: I beg your pardon?

[3] Q: Did you, yourself, ever see Mr. Williams at [4] a Washington football team game?

[5] A: Yes, I have.

[6] Q: When did you last see him?

[7] A: I don't remember.

[8] Q: How was he dressed?

[9] A: I don't recall.

[10] Q: Sir, you earlier testified that when you [11] last saw Princess Palemoon at a game she was dressed [12] in a native American fashion.

[13] The last time you saw Mr. Williams at a [14] Washington football team game was he, too, dressed in [15] a native American fashion?

[16] A: I don't recall.

[17] Q: Was he wearing any kind of war bonnet?

[18] A: I don't recall.

[19] Q: Was he wearing any kind of face paint?

[20] A: I don't recall.

[21] Q: Did he have in his possession a tomahawk?

[22] A: I don't know.

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[1] Q: At any time, sir, when you have seen Mr. [2] Williams at a Washington football team game, do you [3] recall how he was dressed?

[4] A: No, I don't.

[5] Q: Has anyone ever told you how Mr. Williams [6] has dressed at Washington football team games?

[7] MR. REINER: Object to the form of the [8] question. You may answer.

[9] THE WITNESS: I don't recall.

[10] BY MR. LINDSAY:

[11] Q: Do you have any understanding, sir, as to [12] how Mr. Zema Williams has dressed when he has been at [13] Washington team football games?

[14] MR. REINER: Object to the form of the [15] question.

[16] THE WITNESS: I don't have any [17] understanding.

[18] BY MR. LINDSAY:

[19] Q: When you have seen Mr. Zema Williams at [20] Washington football team games, have you seen him [21] live or in person - excuse me, live - in person or [22] on television?

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[1] MR. REINER: It's a compound question. Can [2] you break it down, please.

[3] BY MR. LINDSAY:

[4] Q: You agree with me, sir, that you have seen [5] Mr. Zema Williams at Washington football team games; [6] is that correct?

[7] A: That is correct.

[8] Q: And when you have seen him, has it been [9] when you were physically attending the game in [10] person?

[11] A: Yes.

[12] Q: Have you also seen him on television?

[13] A: Yes.

[14] Q: And, sir, a few moments ago I asked you a [15] series of questions about how he was dressed when you [16] saw him.

[17] Are your answers the same regardless of [18] whether you saw him on TV or in person?

[19] A: That's correct.

[20] Q: Has the Washington football team taken any [21] steps with respect to Mr. Williams' appearances in [22] television coverage of Washington football team

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[1] games?

[2] MR. REINER: Object to the question. No [3] foundation has been laid. You may answer it, if you [4] can.

[5] THE WITNESS: I don't recall.

[6] BY MR. LINDSAY:

[7] Q: Has the Washington football team expressed [8] to anyone the desire that television cameras covering [9] Washington football team games not focus on this Mr. [10] Williams?

[11] MR. REINER: Object to the form of the [12] question. No foundation. You may answer it.

[13] THE WITNESS: I don't recall.

[14] BY MR. LINDSAY:

[15] Q: If the Washington football team has [16] expressed a desire to any persons providing [17] television coverage of games that Mr. Williams not be [18] focused in on by the television coverage, within [19] whose responsibility at the Washington football team [20] would that fall?

[21] MR. REINER: Object to the form of

the[22] question. It's a hypothetical without a foundation.

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- [1] It calls for speculation, but you may answer, if you [2] can.
- [3] Now why don't you have the question read [4] back, please.
- [5] **MR. LINDSAY:** Well actually, Counselor, let [6] me instead address some of your objections.
- [7] **MR. REINER:** Fine. You withdraw the [8] question?
- [9] **MR. LINDSAY:** I withdraw the question.
- [10] **MR. REINER:** Great.
- [11] **BY MR. LINDSAY:**
- [12] **Q:** Sir, are any of the Washington football [13] team's games broadcast on television?
- [14] **A:** Yes.
- [15] **Q:** Are you personally responsible for making [16] arrangements for those broadcasts?
- [17] **A:** No.
- [18] **Q:** Is there someone within the Washington [19] football team who is responsible for arranging those [20] broadcasts?
- [21] **A:** What do you mean by arranging a broadcast?
- [22] **Q:** Sir, the broadcasts exist rather than not

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- [1] exist; is that correct?
- [2] **A:** Yes, they exist.
- [3] **Q:** Is there someone within the Washington [4] football team whose responsibility it is to see that [5] the broadcasts exist rather than not exist?
- [6] **MR. REINER:** I don't understand the [7] question.
- [8] **THE WITNESS:** I don't understand this line [9] of questioning at all.
- [10] **BY MR. LINDSAY:**
- [11] **Q:** Okay. Let me try once more, sir. On what [12] network are Washington football team games broadcast?
- [13] **A:** All networks.
- [14] **Q:** When you say all networks, I take it you [15] include ABC, CBS, NBC, Fox, any others?
- [16] **A:** ESPN.
- [17] **Q:** Any others?
- [18] **A:** TNT.
- [19] **Q:** Any others?
- [20] **A:** That's it, presently.
- [21] **Q:** Is there anyone within the Washington [22] football organization who communicates with one or

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- [1] more of these networks?
- [2] **MR. REINER:** About what, sir?
- [3] **MR. LINDSAY:** About details of coverage of [4] games.
- [5] **MR. REINER:** Well, object to the form of [6] the question. You may - there's no foundation that [7] has been laid, but you may answer the question. Let [8] me speak to my client.
- [9] (Witness conferred with counsel)
- [10] **THE WITNESS:** I really don't understand [11] this question, these questions.
- [12] **BY MR. LINDSAY:**
- [13] **Q:** Sir, who decides which games of the [14] Washington football team will be broadcast?
- [15] **A:** Can't I volunteer how it works?
- [16] **MR. REINER:** You're best just to answer the [17] questions. If you can't answer the question, just [18] say so.
- [19] Why don't you read the question again.
- [20] (The reporter read the record as [21] requested.)
- [22] **THE WITNESS:** I have to explain it.

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- [1] **BY MR. LINDSAY:**
- [2] **Q:** Sir, my question seems to be -
- [3] **MR. REINER:** Wait a minute, let me speak [4] with my client for a second. We are not trying to [5] avoid a question, we are trying to answer a question, [6] if we can.
- [7] (Counsel conferred with witness)
- [8] **MR. REINER:** Counsel, I understand that as [9] the question is specifically posed it cannot be [10] responded to. The witness wishes to try to explain [11] what he believes you're trying to ask and I'm willing [12] to let him do it, although I am reluctant ever in a [13] deposition to do that. But it's what the witness [14] wishes to do, so why don't you read the question and [15] respond the way you think it should be responded to.
- [16] (The reporter read the record as [17] requested.)
- [18] **THE WITNESS:** The telecasts of the [19] Washington Redskins is determined by the National [20] Football League and the National Football League's [21] television policies.
- [22] **BY MR. LINDSAY:**

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- [1] **Q:** Sir, does Pro-Football, Inc., own the [2] rights to broadcast Washington football team games?
- [3] **A:** Only for the preseason games. The regular [4] season, the playoff games are controlled by the [5] National Football

League and their policies.

- [6] **Q:** Is Pro-Football, Inc., permitted to impose [7] any kind of restrictions on the types of broadcasts [8] that will be made when its team is playing?
- [9] **MR. REINER:** Object to the question. You [10] may answer to the best of your ability.
- [11] **THE WITNESS:** On the nationally televised [12] games and regionally televised games controlled by [13] the NFL, the answer is no. The preseason games, we [14] do have some input, but, however, those preseason [15] games are all subject to the National Football [16] League's policies.
- [17] **BY MR. LINDSAY:**
- [18] **Q:** What is the input that you have on the [19] preseason games?
- [20] **A:** We will sign a contract with a local [21] station here who will carry those games. It could be [22] an independent station, it could be an affiliate with

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- [1] one of the network stations that carry the regular [2] season games under our national television contract.
- [3] **Q:** Sir, has there ever been anything about a [4] broadcast of a Washington football team game that you [5] considered objectionable?
- [6] **MR. REINER:** Apart from some of the calls [7] of the press?
- [8] **THE WITNESS:** Not that I recall.
- [9] **MR. LINDSAY:** This will not be a long [10] break. I just left something in the other room.
- [11] (Discussion off the record)
- [12] **BY MR. LINDSAY:**
- [13] **Q:** Sir, setting aside the possible instances [14] which you don't actually recall in detail about Mr. [15] Donnie Tuck or Mr. Dale Morse, have there been any [16] claims made against the Washington football team for [17] racial discrimination?
- [18] **MR. REINER:** You mean something filed; is [19] that what you're talking about, any other action [20] filed? I just want to get the question straight.
- [21] **MR. LINDSAY:** We'll ask initially for any [22] actions filed.

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- [1] **MR. REINER:** Any actions filed.
- [2] **THE WITNESS:** Not that I recall.
- [3] **BY MR. LINDSAY:**
- [4] **Q:** Have there been any actions threatened?
- [5] **A:** Threatened?
- [6] **Q:** Yes, sir.
- [7] **A:** Not that I recall.
- [8] **Q:** Have there been any actions either

filed or [9] threatened for a racially hostile environment?

[10] A: I don't know what you mean by that.

[11] Q: For any types of claims other than [12] discrimination in hiring, promotion or pay?

[13] A: Not that I am aware of.

[14] Q: Does the Washington football team have an [15] equal employment opportunity officer?

[16] A: No.

[17] Q: Is there any individual within the [18] Washington football team whose responsibilities [19] include assuring that the Washington football team [20] is, in fact, an equal employment opportunity [21] employer?

[22] A: What do you mean by insure, to whom?

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[1] Q: Well, sir, you've told me that there is no [2] EEO officer and I just want to make sure that there's [3] no other individual within whose responsibilities [4] that falls.

[5] A: Oh, I see. No.

[6] Q: Sir, do you think the name of the football [7] team the Washington Redskins should be changed?

[8] A: No.

[9] Q: Why not?

[10] MR. REINER: Object to the question. You [11] may answer it, if you wish.

[12] THE WITNESS: You want me to answer it?

[13] MR. REINER: Sure. Absolutely.

[14] THE WITNESS: Because the Washington [15] football team, known as the Washington Redskins, has [16] been in operation since 1937, in Washington. It is [17] one of the six original teams of the National [18] Football League. The National Football League is the [19] most popular sport in the United States. And the [20] Washington Redskins is the fifth most popular [21] professional sports team of all sports in the United [22] States, by a recent poll of April 1995.

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[1] To change the name would be harmful to our [2] operation and to the National Football League and to [3] its traditions.

[4] MR. LINDSAY: Could you please read back [5] the answer.

[6] (The reporter read the record as [7] requested.)

[8] BY MR. LINDSAY:

[9] Q: Are there any other reasons, sir, why you [10] think the name of the football team the Washington [11] Redskins should not be changed?

[12] A: I think that the team is extremely popular [13] in Washington and it is an institution of Washington, [14] it represents Washington and its popularity is in [15] its - it is in its traditions.

[16] Q: Sir, there are two words in the phrase [17] Washington Redskins. Let me ask you a follow-up [18] question.

[19] Leaving the word Washington intact, do you [20] believe that the name of the football team the [21] Washington Redskins should be changed to delete the [22] word Redskins and substitute some other name?

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[1] A: No, I do not.

[2] Q: And is the basis for your answer any [3] different from the basis that you have already [4] provided me?

[5] A: No.

[6] Q: Sir, if you knew that a majority of [7] American-Indians found the name to be offensive, [8] would your opinion change?

[9] MR. REINER: Objection. That calls for [10] speculation. There is no foundation. I instruct you [11] not to answer that one.

[12] BY MR. LINDSAY:

[13] Q: Sir, the Washington football team currently [14] plays its games within the District of Columbia; is [15] that correct?

[16] A: That's correct, the home games, yes.

[17] Q: Do you believe that the Washington football [18] team should change the location of its home games and [19] play them outside the District of Columbia?

[20] MR. REINER: Object to the form of the [21] question. I object to the question. It's got [22] nothing to do with this proceeding. Don't answer the

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[1] question. I don't think it has anything to do with [2] the name of the team.

[3] MR. LINDSAY: Are you instructing the [4] witness not to -

[5] MR. REINER: Yes, sir.

[6] MR. LINDSAY: - not to answer?

[7] MR. REINER: That's correct.

[8] BY MR. LINDSAY:

[9] Q: Sir, is the fact that the Washington [10] football team plays its home games within the [11] District of Columbia important to the traditions of [12] the team?

[13] A: Would you repeat that, please.

[14] MR. LINDSAY: Would you please read it [15] back.

[16] (The reporter read the record as [17] requested.)

[18] MR. REINER: Can you answer that?

Object [19] to the form, but answer it if you can.

[20] THE WITNESS: No.

[21] BY MR. LINDSAY:

[22] Q: I'm sorry?

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[1] A: No.

[2] Q: Do you believe, sir, that changing the [3] location of the Washington football team's home games [4] from within the District to someplace outside the [5] District would be harmful to the team?

[6] MR. REINER: Object to the question. It's [7] got nothing to do with the name of the team. I [8] instruct the witness not to answer.

[9] THE WITNESS: I want to answer it.

[10] MR. REINER: You do want to answer it?

[11] THE WITNESS: Yes.

[12] MR. REINER: Let me just consult with my [13] client.

[14] (Witness conferred with counsel)

[15] MR. REINER: All right. I withdraw my [16] objection. You may answer the question.

[17] THE WITNESS: As long as we are in, within [18] the metropolitan or perceived to be the metropolitan [19] city area, I have no objection. To move to another [20] city I object strenuously, and it's a matter of [21] record, this objection, unless that move pertains to [22] and follows, conforms with the guidelines of the

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[1] National Football League.

[2] BY MR. LINDSAY:

[3] Q: Why is it, sir, that you believe it is [4] important for the Washington football team to [5] continue playing within the Washington, D.C., [6] metropolitan area?

[7] A: Because we've been here since 1937. We've [8] been sold out here since 1966. This will be our 30th [9] year. No other professional sports team has been [10] sold out for so long in any sport. We have the [11] highest television ratings in the national football [12] conference. We have a tremendous following here, a [13] love affair, a passion, if you will, and it would be [14] a grave act of betrayal to our fans to leave them.

[15] Q: Do you believe, sir, that it would be fair [16] to continue calling the team the Washington Redskins [17] if the team ceased playing within the District of [18] Columbia and played its home games someplace outside [19] the District of Columbia but still within the [20] Washington, D.C., metropolitan area?

[21] A: Would you read the question again.

[22] (The reporter read the record as

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[1] requested.)

[2] **THE WITNESS:** It's fair, it is expected and [3] it will be done.

[4] **BY MR. LINDSAY:**

[5] **Q:** Sir, in what way would changing the word [6] Redskins in the Washington team name be harmful to [7] the Washington team?

[8] **MR. REINER:** I believe the witness has been [9] asked that question and has answered that question.

[10] **MR. LINDSAY:** No, sir, he's -

[11] **MR. REINER:** But let me finish.

[12] **MR. LINDSAY:** Please.

[13] **MR. REINER:** But in the interest of moving [14] this along, I am not going to object this time. You [15] may answer the question.

[16] **MR. LINDSAY:** I disagree with counsel's [17] statement, but since he is permitting the witness to [18] answer, I'll certainly accept the answer.

[19] **THE WITNESS:** We are known as the [20] Washington Redskins and have been known as the [21] Washington Redskins since 1937. It is our name, the [22] Washington Redskins.

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[1] **BY MR. LINDSAY:**

[2] **Q:** I understand, sir, that you obviously feel [3] that Redskin is part of the Washington Redskins team [4] name.

[5] **A:** Right.

[6] **Q:** In what way would the Washington team be [7] harmed, if any, by changing the word Redskin to some [8] other word?

[9] **A:** Well, the best way to answer that is to [10] change the soft drink known as Coca-Cola to something [11] else, to blue bow tie, whatever you want.

[12] **Q:** What do you mean, sir?

[13] **A:** What I mean by that is that you would [14] destroy the value of that franchise and what it's [15] known as. By franchise, I'm speaking of Coca-Cola in [16] this case. Same thing applies to us.

[17] **Q:** The reason, then, sir, is purely financial?

[18] **A:** No.

[19] **Q:** Could you please then explain how the value [20] of the franchise is diminished?

[21] **A:** Well the value of the franchise, as I see [22] it, is, believe me, not financial. We've lost money

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[1] at this game for years. It has been subsidized by my [2] father for many years, approximately 30 years.

[3] The value of, the financial value of the [4] Washington Redskins is in the appreciation of the [5] franchise and that can only be achieved if you sold [6] them. We have no intention of selling the club.

[7] The value, however, to us, the way I mean [8] it, is the popularity of that team and the tremendous [9] following that we have within the city. It's a very [10] prestigious sports organization. I - mind you, I'm [11] prejudiced, but I think it's second to none.

[12] **Q:** Sir, have you ever heard of a team known as [13] the Washington Bullets?

[14] **A:** Yes.

[15] **Q:** What sport do the Washington Bullets play?

[16] **A:** They play in the NBA.

[17] **Q:** And so they play basketball; is that [18] correct?

[19] **A:** Yes.

[20] **Q:** And is that team located in the Washington, [21] D.C., metropolitan area?

[22] **A:** Yes.

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[1] **Q:** Have you heard, sir, that the Washington [2] Bullets has changed its name?

[3] **A:** Yes.

[4] **Q:** And have you heard, sir, that the part of [5] the name that the Washington Bullets has changed is [6] the word Bullets?

[7] **A:** Yes.

[8] **Q:** Do you have any understanding, sir, as to [9] why that team has changed its name?

[10] **MR. REINER:** Objection. Counsel, I don't [11] have the foggiest idea why we are talking about the [12] Washington Bullets when this proceeding is about the [13] name of this, the team that plays in the National [14] Football League. I object to the entire line of [15] questioning.

[16] I think it's extraneous and irrelevant and [17] burdensome and we are spending all day I think on [18] things that are not pertinent to the name of the [19] team. However, just so we can move this along, I'm [20] going to withdraw my objection now, but I'm going to [21] assert it if we go any further along this line of [22] inquiry.

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[1] **THE WITNESS:** You want me to answer it?

[2] **MR. REINER:** You may answer it now.

[3] **THE WITNESS:** I don't know why they changed [4] the name.

[5] **BY MR. LINDSAY:**

[6] **Q:** How long have the Washington Bullets been [7] in the Washington metropolitan area?

[8] **A:** I don't know that either.

[9] **Q:** How long have you lived in the Washington [10] metropolitan area?

[11] **A:** Well I've lived in the metropolitan area, [12] as I define it, which happens to be about 40 miles [13] west of here, inclusive, since 1978.

[14] **Q:** And has the team been in the Washington [15] metropolitan area for all of that time?

[16] **A:** Yes.

[17] **Q:** Have you, yourself, been asked by any [18] member of the press to express a view on the name [19] change by the Washington Bullets?

[20] **A:** No, I have not.

[21] **Q:** Has the Washington football team issued any [22] kind of press release in connection with the name

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[1] change of the Washington Bullets?

[2] **A:** They have not.

[3] **Q:** Has the Washington football team in any way [4] commented on the name change of the Washington [5] Bullets?

[6] **A:** No.

[7] **Q:** Do you have a view, sir, as to whether it [8] was appropriate for the Washington Bullets to change [9] their name?

[10] **MR. REINER:** Counsel, I really am going to [11] object and I'm going to instruct him not to answer [12] any more questions about the Bullets. We are not [13] here worrying about what the Bullets call themselves. [14] We are here on a proceeding which your clients [15] started and I just don't think it's appropriate to [16] spend a lot of time on this.

[17] Mr. Cooke is a very busy man and I don't [18] see where this is probative or relevant and I'm going [19] to instruct him not to answer. And let's go on, [20] Next questions, next series of questions.

[21] **MR. LINDSAY:** The next series of questions [22] are follow-ups to questions of which you have

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[1] instructed the witness not to answer.

[2] **MR. REINER:** Let me hear the questions.

[3] **MR. LINDSAY:** I cannot ask the questions [4] given your instructions.

[5] **MR. REINER:** Then don't ask the questions, [6] it's your choice. I am going to instruct him and [7] make my objections as I hear questions.

[8] **MR. LINDSAY:** Would you please mark that [9] portion of the transcript.

[10] **BY MR. LINDSAY:**

[11] **Q:** Sir, some moments ago you referred to a [12] survey - excuse me, a poll, I believe was your word, [13] conducted in

or about April 1995?

[14] A: Right.

[15] Q: Was that a poll conducted by the
[16] Washington - excuse me, conducted
by or for the [17] Washington team?

[18] A: No.

[19] Q: Was there a title of that poll?

[20] A: Yes.

[21] Q: What was the title?

[22] A: It's - the poll was conducted by
the

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[1] C-H-I-L-D-E-N, Childen Research Cen-
ter. I believe it [2] was for TNT, which is
Turner Broadcasting. It was [3] either
Turner or ESPN.

[4] Q: And from your discussion of the
substance [5] of that, of the polling
results, I take it that you [6] have received
a copy of a report of the polling [7]
results?

[8] A: I have received a summary.

[9] Q: Do you still have it?

[10] A: Yes.

[11] Q: When did you receive it?

[12] A: I think I received it in January of
this [13] year.

[14] Q: From whom?

[15] A: From the NFL.

[16] Q: Please tell me what you recall
from the [17] summary of these polling
results.

[18] A: That the Washington Redskins
was the fifth [19] most popular sports
team in the United States. The [20] first
one, the first team, I regret to say, was the
[21] Dallas Cowboys. The second one -
they are world [22] champions, as you
well know. The second one was the

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[1] 49ers, past recent Superbowl cham-
pions. The third [2] one was the Chicago
Bulls, world champions in the NBA [3]
with Michael Jordan. And the next one
was the [4] Atlanta Braves, the world
series champions in [5] baseball. Then the
Washington Redskins, who have won [6]
a grand total of only 13 games in three
years.

[7] Q: What else do you recall about this
summary [8] of the polling results?

[9] A: I recall that most of those teams, I
think [10] there was approximately 18,
were football teams, [11] which under-
lines the fact that football is the most [12]
popular sport in the United States, pro-
fessional [13] sports in the United States.

[14] Q: What else?

[15] A: That's all I recall.

[16] Q: Have you spoken with anyone at
Childen [17] Research about this poll?

[18] A: I have not.

[19] Q: Have you requested copies of the
complete [20] poll?

[21] A: I have not.

[22] Q: Sir, are you familiar with a survey

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[1] conducted by an organization known
as Veritas [2] concerning the name of the
Washington football team?

[3] A: I don't recall that.

[4] (John K. Cooke Deposition Exhibit
No. [5] 6 was marked for identification.)

[6] BY MR. LINDSAY:

[7] Q: Sir, I am now showing you what has
been [8] marked as John K. Cooke Exhibit
6.

[9] Would you please review that doc-
ument.

[10] (Witness examined document)

[11] THE WITNESS: In its entirety? Okay.

[12] BY MR. LINDSAY:

[13] Q: So we are clear, sir, the purpose for
my [14] initial inquiry will be simply to
refresh your [15] recollection as to whe-
ther you have ever received a [16] copy of
the document that is attached to the
cover [17] memorandum of Exhibit 6.

[18] MR. REINER: This doesn't say Veritas
on [19] the front page, that's what's
throwing me off. This [20] says WTOP
survey. Is this the same thing? I've [21]
never heard of Veritas, that's why.

[22] Do you want me to read the whole
document

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[1] right now?

[2] MR. LINDSAY: I don't want you to
read [3] anything, Mr. Reiner.

[4] MR. REINER: No, do you want the
witness to [5] read it?

[6] MR. LINDSAY: No. My question was to
[7] establish whether the witness could
identify whether [8] he received this
before or not.

[9] MR. REINER: Well you better look
through [10] the whole thing, then, glance
through it.

[11] THE WITNESS: Okay.

[12] (Witness examined document)

[13] THE WITNESS: These appear to be
the [14] documents that were attached to
the letter that was [15] given to me that I
forwarded to my father on August [16] 24,
1993.

[17] BY MR. LINDSAY:

[18] Q: Did the Washington football team
have any [19] involvement in com-
missioning the study included in [20]
Exhibit 6?

[21] A: No.

[22] Q: Did the Washington football team
make any

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[1] payment for the study included in
Exhibit 6?

[2] A: I certainly hope not.

[3] Q: Why do you hope not?

[4] A: Because we didn't commission it.

[5] Q: Did the Washington football team
have any [6] knowledge that the survey
was going to be conducted [7] or was
being conducted in advance of its being
[8] conducted?

[9] A: No.

[10] Q: Sir, at the time that you received
the [11] survey included in Exhibit 6, did
you read it?

[12] A: Would you repeat the question.

[13] Q: Sure. At the time you received the
survey [14] included in Exhibit 6, did you
read the survey - [15] excuse me, the
survey results that are included [16]
within the exhibit?

[17] MR. REINER: Object to the question
until [18] we get a time frame when the
witness received it.

[19] BY MR. LINDSAY:

[20] Q: Let's back up. You did, in fact, [21]
receive - with respect to Exhibit 6, sir, let
us go [22] through it.

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[1] I take it that you are the author of the
[2] page that is the first page of Exhibit 6?

[3] A: I am.

[4] Q: And you wrote it in your capacity
as [5] executive vice president of the
Washington football [6] team?

[7] A: I did.

[8] Q: And you sent it to Mr. Jack Kent
Cooke?

[9] A: I did.

[10] Q: And do you see that page 2
appears to be [11] identical to page 1
except for the different Bates [12] num-
ber and the handwriting, the hand-
writing which [13] appears only on the
first page?

[14] A: May I see that, please?

[15] Q: Yes, sir.

[16] A: Yes.

[17] Q: Are you able to make out the
handwriting?

[18] A: Not exactly.

[19] Q: Do you recognize whose hand-
writing it is?

[20] A: Yes.

[21] Q: Whose is it?

[22] A: Mine.

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[1] Q: And so we are clear, I'm referring
not [2] simply to the signature, but to the
handwriting that [3] appears slightly to

the right and above it -

[4] A: Correct.

[5] Q: - is that correct?

[6] A: Right.

[7] Q: With respect then to - excuse me, the [8] first page of the exhibit bears the date August 24, [9] 1993; do you see that?

[10] A: I do.

[11] Q: And did you write the first page of Exhibit [12] 6 on or about that date?

[13] A: I did.

[14] Q: And sent it on or about that date?

[15] A: I did.

[16] Q: The third page bears immediately above the [17] address block a date of August 24, 1993; do you see [18] that?

[19] A: I do.

[20] Q: And do you see that that is the same date [21] as the date on which you wrote the first two pages?

[22] A: Correct.

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[1] Q: In the upper right-hand corner there is [2] also a stamp that says August 24, R-E-C-D; do you see [3] that?

[4] A: I do.

[5] Q: Is that a receipt stamp?

[6] A: It appears to be.

[7] Q: Is that a receipt stamp of the Washington [8] football team?

[9] A: I don't know.

[10] Q: Do you recall receiving the third page of [11] Exhibit 6 on August 24, 1993?

[12] A: I recall receiving this, yes.

[13] Q: And do you have any reason to disbelieve [14] that it was on August 24, 1993?

[15] A: I have none.

[16] Q: Sir, would you please look at the remaining [17] pages and tell me whether, in fact, you received them [18] at the same time as you received the third page of [19] the exhibit?

[20] A: It appears to.

[21] Q: At the time that you received the survey, [22] then, on or about August 24, 1993, did you read it?

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[1] A: I don't recall.

[2] Q: Other than today when you looked through [3] the pages, have you read the survey that is included [4] within Exhibit 6 at any time?

[5] A: I don't recall.

[6] Q: Have you ever discussed with anyone the [7] survey that is included within Exhibit 6?

[8] A: Yes.

[9] Q: With whom have you had those

discussions?

[10] A: I spoke to Tom McKinley, general manager of [11] WTOP, News Radio 15. I also spoke to Charlie Dayton, [12] who was our PR director at the time. I also spoke to [13] my father about the survey.

[14] Q: Anyone else?

[15] A: Not that I can recall.

[16] Q: When was your discussion with Mr. McKinley?

[17] A: I don't recall.

[18] Q: Was it at approximately the time of your [19] receipt of Exhibit 6?

[20] A: It was prior to receiving the survey.

[21] Q: How long prior?

[22] A: I don't recall.

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[1] Q: Was that only one discussion?

[2] A: I don't recall.

[3] Q: Did you have any discussion with Mr. [4] McKinley after receiving the survey?

[5] A: I don't remember.

[6] Q: What was the substance of the discussion [7] that you do recall?

[8] A: It was basically what he repeated in his [9] letter to Charlie Dayton of how this survey was [10] commissioned and the results of that survey.

[11] Q: When was your discussion with Charlie [12] Dayton?

[13] A: Approximately the same time.

[14] Q: Did you have one or more than one [15] conversation with him on this topic?

[16] A: I don't recall.

[17] Q: What do you recall of the substance of that [18] discussion?

[19] A: I don't remember.

[20] Q: You also testified that you spoke with Mr. [21] Jack Kent Cooke about the survey. When was that?

[22] A: Approximately the same time.

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[1] Q: Was it before or after you received the [2] survey?

[3] A: I don't recall.

[4] Q: What do you recall about the substance of [5] that communication?

[6] A: Basically what was described by Mr. [7] McKinley in his letter to Charlie Dayton.

[8] Q: Did you think that the survey was in any [9] way useful to the Washington football team?

[10] MR. REINER: Objection to the form of the [11] question. You may answer it.

[12] THE WITNESS: It confirmed what I suspected [13] all along.

[14] BY MR. LINDSAY:

[15] Q: And what was that, sir?

[16] A: That you can't trust the press.

[17] Q: What do you mean?

[18] A: What I mean by that is that a man, general [19] manager of the station commissioned the survey after [20] he thought it was advantageous to stop referring to [21] the Washington Redskins and refer them - without [22] referring to them as the Washington football club

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[1] without proper justification.

[2] He got the justification following that act [3] and then when he received the justification, it [4] wasn't exactly the answer that he anticipated, so he [5] hid it. New manager comes into the station and [6] discovers it and revealed it to us.

[7] It also confirms what - or the impression [8] that I got that most people in Washington prefer to [9] call the Washington football club the Washington [10] Redskins.

[11] MR. REINER: Do you want to take a break?

[12] THE WITNESS: Yes.

[13] (Discussion off the record)

[14] BY MR. LINDSAY:

[15] Q: Sir, according to the information that you [16] presented in your cover letter attached as the first [17] page of Exhibit 6, you reported that 83 percent of [18] the persons surveyed in the Washington area favored [19] keeping the name of the Washington Redskins team; do [20] you see that?

[21] A: I do.

[22] Q: And do you agree, sir, that that means 17

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[1] percent did not favor keeping the name?

[2] A: No.

[3] Q: What do you believe it means?

[4] A: Well, after reading just this covering [5] letter, I would say that 17 percent are unaccounted [6] for.

[7] Q: Would you please turn to what is Bates [8] numbered page S0006802 of the document.

[9] A: (Witness complied)

[10] Q: Do you have that page before you?

[11] A: I think I do. Is that page 5-1 there on [12] the bottom?

[13] Q: Yes, sir.

[14] A: Okay.

[15] Q: Do you see, sir, that at the top of the [16] page, below the heading the text appears, quote, "Do [17] you think the name of the football team, the [18] Washington Redskins, should be chan-

ged," closed [19] quote?

[20] A: I see that.

[21] Q: And do you see below that two bullet points [22] for yes and for no?

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[1] A: Yes.

[2] Q: Do you see, sir, in the chart two columns [3] headed yes and no?

[4] A: I do.

[5] Q: And do you see, sir, that there is a [6] following the question column, there is a column that [7] reads percent of gender?

[8] A: Right.

[9] Q: And do you see, sir, following the no [10] column there is a percent of gender?

[11] A: Yes.

[12] Q: And do you see the first line under the [13] gender box states males?

[14] A: Right.

[15] Q: And the first line under the gender box [16] states females?

[17] A: Right.

[18] Q: And do you see that below that there is a [19] total?

[20] A: I do.

[21] Q: In the total line, sir, do you see that [22] 16.67 percent are reported as saying yes in response

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[1] to the question "Do you think the name of the [2] football team, the Washington Redskins, should be [3] changed"?

[4] A: I see that.

[5] Q: Does it surprise you, sir, that between 16 [6] and 17 percent of the persons surveyed believed that [7] the name of the Washington football team should be [8] changed?

[9] A: No, it doesn't surprise me.

[10] Q: Was it important to you, sir, that [11] somewhere between 16 and 17 percent of the persons [12] surveyed thought the Washington Redskins name should [13] be changed?

[14] A: I don't know what you mean by important to [15] me.

[16] Q: Assuming, sir, that the survey accurately [17] represents the feelings of persons in the Washington [18] area, would it be important to you that 17 percent of [19] the people in the Washington area believe that the [20] name of the Washington Redskins should be changed?

[21] A: I would like to have 100 percent saying [22] that you would retain the Washington Redskins name;

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[1] however, under these circumstances I'm perfectly [2] willing to settle for 83.33

percent.

[3] Q: When you say "under these circumstances," [4] what do you mean?

[5] A: Under this survey.

[6] Q: So, sir, it does trouble you, then, that [7] some 17 percent of the persons surveyed believed that [8] the team name should be changed?

[9] A: No, it doesn't trouble me in the least.

[10] Q: Would it trouble you, sir, if one-third of [11] the persons surveyed believed the team name should be [12] changed?

[13] A: I'm only repeating what this survey says. [14] I'm not going to be hypothetical. I'll be glad to [15] make comments on this survey, sir. I think it's [16] remarkable that you had such a high percentage in any [17] survey. I bet Robert Dole or even Buchanan or Forbe [18] would love to have 83 percent of the vote. I bet [19] Clinton would.

[20] MR. REINER: Off the record.

[21] (Discussion off the record)

[22] BY MR. LINDSAY:

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[1] Q: Well, sir, you are apparently willing to [2] comment on those counterfactual hypotheticals.

[3] Would it trouble you if one-third of the [4] persons in the Washington area believed the name of [5] the Washington Redskins should be changed?

[6] MR. REINER: Object to the question and [7] there's no foundation laid that one-third of the [8] people in the Washington area would want to do that. [9] It's a hypothetical question.

[10] We have no information as to why people [11] would want to have names changed. We have no [12] information upon which this witness can speculate, [13] even, so I don't think it's an appropriate question [14] and I'm going to just instruct him not to answer.

[15] BY MR. LINDSAY:

[16] Q: Sir, based on the speech that your counsel [17] has just made -

[18] MR. REINER: Counselor, it's an objection, [19] it's not a speech. Please.

[20] BY MR. LINDSAY:

[21] Q: Based on the words of the English language [22] that your counsel has just used, do you agree, sir,

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[1] that it is impossible to tell from this survey what [2] reasons people might have for believing that the name [3] should or should not be changed?

[4] A: I have not read this survey. I don't know [5] what reasons anyone has for their opinion.

[6] Q: From the question, itself, sir, and I will [7] repeat the question, "Do you think the name of the [8] football team, the Washington Redskins, should be [9] changed," from that question, itself, sir, do you [10] agree that it is impossible to determine the reasons [11] why any person believes the name should or should not [12] be changed?

[13] A: From this sheet? It doesn't give any [14] reasons for a vote for or against the question.

[15] Q: Sir, let me ask you to turn to page 6809, [16] which is also numbered page 9-1.

[17] A: That's following?

[18] Q: Yes, sir. Do you see, sir, that the [19] question reported on that page is, "If you knew a [20] majority of American Indians found the name to be [21] offensive, would your opinion change"; do you see [22] that?

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[1] A: I do.

[2] Q: And do you see that the report shows again [3] similar columns for yes and no?

[4] A: I do.

[5] Q: And that there's a total at the bottom?

[6] A: Yes.

[7] Q: And, sir, do you also see at the top above [8] the question itself the words, "Note: This question [9] asked of persons answering no to question 1"; do you [10] see that?

[11] A: I see that.

[12] Q: And so you agree that according to this [13] document, it was asked only of the persons who [14] believed that the name of the Washington Redskins [15] should not be changed?

[16] MR. REINER: No, that's not what the [17] question says, Counselor. If you're going to put - [18] the question is specific and the responses are [19] specific. Object to the question.

[20] BY MR. LINDSAY:

[21] Q: Sir, would you please turn to page 6801 and [22] keep your thumb, if you would, on the page that we've

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[1] now been on.

[2] A: This chart, is that the chart (indicating)?

[3] Q: Yes, sir. Do you see that that page is [4] headed "Redskins Name Study Change the Redskins Name [5] question mark"?

[6] A: Yes.

[7] Q: And do you see, sir, that below that there [8] appear the words "question 1 response"?

[9] A: Yes.

[10] Q: Now, sir, if you would turn to page 6790 -

[11] MR. REINER: 6790?

[12] MR. LINDSAY: Yes, sir.

[13] THE WITNESS: Got it.

[14] BY MR. LINDSAY:

[15] Q: Toward the bottom of that page do you see [16] the precise question asked which was: "Do you think [17] the name of the football team, the Washington [18] Redskins, should be changed," followed by yes or no?

[19] A: Yes.

[20] Q: Do you agree, sir, that that is what this [21] survey refers to as question 1?

[22] A: I don't know that.

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[1] MR. REINER: Well this witness is not here [2] to be an expert witness on reading survey results, [3] sir.

[4] BY MR. LINDSAY:

[5] Q: Well, sir, you've told me you wrote the [6] first page of the exhibit; is that correct?

[7] A: Well, yes.

[8] Q: And on the first page of the exhibit you [9] reported or at least apparently reported that 83 [10] percent favor keeping the name; is that correct?

[11] A: Yes.

[12] Q: What question were you referring to in the [13] exhibit when you reported that result?

[14] MR. REINER: Why don't you just take a look [15] at the exhibit again, read through it again.

[16] THE WITNESS: This says telephone survey [17] for the Washington area. It does not say question 1, [18] 2, 88 or 99.

[19] BY MR. LINDSAY:

[20] Q: No, sir, and I'm asking you to point me to [21] the specific language within the exhibit that you [22] were referring to, what question were you reporting

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[1] the results for?

[2] A: I was reporting the results of the - that [3] were reported in the letter from Tom McKinley of [4] August 24, 1993.

[5] Q: And you were not attempting to report [6] anything from within the body of the survey itself?

[7] A: I don't recall. This was done in 1993.

[8] Q: Sir, please turn to page 6804. Do you see [9] that the page is headed "WTOP, quote, 'Redskins,' [10] closed quote, name survey - question 1 by ethnic [11] group"?

[12] A: I do.

[13] Q: Do you see below that there is a numeral 1?

[14] A: I do.

[15] Q: Do you see below that there is the [16] question, "Do you think the name of the football [17] team, the Washington Redskins, should be changed," [18] closed quote?

[19] A: Yes.

[20] Q: Do you see below that the bullet points [21] yes, no?

[22] A: I do.

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[1] Q: Do you see below that a chart reporting [2] results down by ethnic group?

[3] A: I do.

[4] Q: Sir, would you please turn to 6806. Do you [5] see, sir, that the page is headed "WTOP, quote, [6] 'Redskins' closed quote, name survey - question 1 by [7] age group"?

[8] A: I do.

[9] Q: Do you see below that there appears the [10] numeral one?

[11] A: I do.

[12] Q: Do you see the language of the question is [13] the same language that we've just read?

[14] A: I do.

[15] Q: On page 6807, sir, do you see that the page [16] in the heading bears the phrase "question 1 by [17] counties"?

[18] A: I do.

[19] Q: And do you see again the numeral 1?

[20] A: Yes.

[21] Q: And do you see again the same question that [22] I have read back to you before?

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[1] A: Yes.

[2] Q: Now, sir, if you would look at page 6809. [3] Do you see, sir, that below the heading there is the [4] parenthetical, "Note: This question asked of persons [5] answering, quote, 'no,' closed quote, to question 1"?

[6] A: I do.

[7] Q: Is there anything besides the question that [8] we have now looked at three or four times that you [9] believe is question 1?

[10] A: I assume that question 1 is the one that [11] has been repeated in the previous three pages.

[12] Q: And do you see, sir, that according to this [13] text, question 2 was asked only of persons answering [14] no to question 1?

[15] A: I see that.

[16] Q: And are the persons answering no to [17] question 1 the 83 percent to whom you were referring [18] on the first page of Exhibit 6?

[19] MR. REINER: The witness has been asked and [20] he has answered as to what he was referring to on [21] page 1 and that answer stands. He has been asked [22] that question. He's answered the question. He's not

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[1] going to answer any more questions once he gives an [2] answer that's fully complete. So I instruct you not [3] to answer.

[4] BY MR. LINDSAY:

[5] Q: Please turn to page 6787. And I believe in [6] the fourth paragraph on that page is the reference to [7] 83 percent, sir; is that correct?

[8] A: That's correct.

[9] Q: Is it that reference that you were [10] reporting in your own cover memo?

[11] MR. REINER: It has been asked and it has [12] been answered. You may answer it again.

[13] THE WITNESS: You want me to answer it [14] again?

[15] MR. REINER: You might just as well.

[16] THE WITNESS: I assume so.

[17] BY MR. LINDSAY:

[18] Q: Did you have an understanding of which [19] group of respondents within the survey Mr. McKinley [20] was referring to in using the number 83 percent?

[21] A: I would assume that it was the Washington [22] area respondents. He describes it in the memo, in

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[1] the letter.

[2] Q: Sir, let me ask you to turn to page 6809. [3] As you sit there today, sir, does it surprise you [4] that of the persons answering no to question 1, [5] approximately - excuse me, 65 percent would not [6] change their opinion even if they knew a majority of [7] American-Indians found the name to be offensive?

[8] MR. REINER: Objection. The document [9] speaks for itself. The witness is not here as an [10] expert. He's told you the basis of his letter and [11] his knowledge.

[12] You're asking him to give an opinion now on [13] a document which you have just drawn his reference to [14] on a certain page and you're asking his opinion at [15] this point. He's here as a fact witness. I'm going [16] to instruct him not to answer. You may take whatever [17] rulings you wish.

[18] BY MR. LINDSAY:

[19] Q: Sir, do you agree with the pro-

position that [20] 65 percent - excuse me, let's say half of [21] Washingtonians are bigots?

[22] MR. REINER: Object. Don't answer the

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[1] question. It's argumentative, Counsel. We are here [2] to answer factual questions. Go on.

[3] BY MR. LINDSAY:

[4] Q: Sir, you've stated that you are very happy [5] to have 83 percent of the voters, I believe was your [6] phrase.

[7] Would it matter to you if two-thirds of [8] those voters voted for the name of the Washington [9] Redskins and would continue to do so even if they [10] knew that a majority of American-Indians found the [11] name to be offensive?

[12] MR. REINER: Objection. It's [13] argumentative. Don't answer it.

[14] BY MR. LINDSAY:

[15] Q: Sir, as you sit there today, do you have [16] any reason to disagree with the statement that 65 [17] percent of the persons answering no to question 1 [18] would continue to hold that view even if they knew a [19] majority of American-Indians found the name to be [20] offensive?

[21] MR. REINER: Objection. It's without [22] foundation. It's hypothetical. It's argumentative

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[1] and I'm instructing the witness not to answer.

[2] BY MR. LINDSAY:

[3] Q: Sir, has the Washington football team ever [4] commissioned any studies of its fans' beliefs and [5] attitudes toward the team?

[6] A: No.

[7] Q: Has the Washington football team ever [8] commissioned any studies concerning the existence or [9] not of racist beliefs among the football team's fans?

[10] MR. REINER: Objection. Argumentative. [11] Don't answer it.

[12] BY MR. LINDSAY:

[13] Q: Has the Washington football team ever [14] commissioned any studies concerning the racial views [15] of its fans?

[16] MR. REINER: Objection. Instructing the [17] witness not to answer. It's argumentative. It's [18] without a foundation. The witness already responded [19] they have not conducted any surveys.

[20] MR. LINDSAY: I'm sorry, I may have missed [21] that, were you instructing -

[22] MR. REINER: I'm absolutely instructing him

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[1] not to answer, Counselor, of course.

[2] BY MR. LINDSAY:

[3] Q: Sir, let me make sure that I have fully [4] covered that portion of your knowledge that your [5] counsel will permit you to testify to today.

[6] I understand that you have previously [7] answered questions concerning whether there are [8] surveys commissioned by the Washington football team.

[9] Are there any surveys or other studies of [10] the views of Washington football fans of which you [11] are aware, setting aside whether those studies were [12] commissioned by the Washington football team?

[13] MR. REINER: Do you understand the [14] question?

[15] THE WITNESS: No, it's compound.

[16] MR. REINER: Would you repeat the question [17] again. Listen to it again. I think it's compound [18] and it's confusing to me.

[19] MR. LINDSAY: Well then I'll reask it, sir.

[20] MR. REINER: Fine, why don't you.

[21] BY MR. LINDSAY:

[22] Q: Let me exclude from my question any studies

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[1] commissioned by the Washington football team, all [2] right. And I understand that you have testified that [3] there are no studies commissioned by the Washington [4] football team. I'm just trying to make sure that [5] setting aside whether there are such studies that I [6] can have the state of your knowledge.

[7] A: I am not aware of any studies commissioned [8] by the Washington Redskins.

[9] Q: Are you aware of any studies not [10] commissioned by the Washington football team which in [11] any way pertain to views held about the Washington [12] team name, other than Exhibit 6 and other than the [13] April 1995 survey or poll that you've already [14] testified about?

[15] A: You mean this one, '93?

[16] MR. REINER: Object to the question. [17] Obviously the witness doesn't understand the [18] question. You'll have to start again, Counselor.

[19] BY MR. LINDSAY:

[20] Q: Putting aside the survey in Exhibit 6, [21] putting aside the survey conducted by Children [22] Research in or about April 1995, are you aware of any

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[1] other surveys or studies concerning the name of the [2] Washington football

team?

[3] A: Yes.

[4] Q: What studies are those?

[5] A: It's a study or a survey conducted by USA [6] Today at approximately this same period of time.

[7] Q: Other than the USA Today survey, the [8] Exhibit 6 survey and the Children Research survey, are [9] you aware of any other surveys concerning the [10] Washington football team's name?

[11] A: Yes.

[12] Q: And what is that?

[13] A: The television broadcasts are surveyed for [14] each game.

[15] Q: Does the Washington football team receive [16] copies of the results of these television broadcast [17] surveys?

[18] A: Yes.

[19] Q: In general, what do these surveys cover?

[20] A: The listenership, the audience to the [21] Redskin games.

[22] Q: By that do you mean the demographic

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[1] characteristics?

[2] A: It does have that, as well. But I'm [3] talking about the ratings, themselves, the share of [4] audience, how many people are watching the games. [5] It's done locally, regionally and nationally, when [6] our game is carried nationally.

[7] Q: Does this survey include any questions [8] concerning views or beliefs held by the survey [9] respondents?

[10] MR. REINER: About what subject?

[11] MR. LINDSAY: Any subject.

[12] THE WITNESS: Not that I'm aware of.

[13] BY MR. LINDSAY:

[14] Q: How long has the Washington football team [15] been receiving copies of this survey?

[16] A: We receive the results of these surveys [17] ever since the Redskins were on television, [18] approximately - it was in the 1950s.

[19] Q: Other than, sir, Exhibit 6, the Children [20] Research survey, the USA Today survey and the [21] television broadcast surveys, are you aware of any [22] surveys conducted concerning the name of the

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[1] Washington football team?

[2] A: I can't recall any others at this time.

[3] Q: Other than the four surveys that I have [4] just listed, are you aware of any surveys conducted [5] of fans or viewers of the Washington football team?

[6] A: Would you repeat the question, please.

[7] MR. LINDSAY: Could you read it back, please.

[9] (The reporter read the record as [10] requested.)

[11] THE WITNESS: Not that I'm aware of.

[12] MR. REINER: It's 5 o'clock, Counselor. [13] Have you finished a topic and ready to go?

[14] MR. LINDSAY: Yes, this is as good a time [15] as any to go.

[16] (Whereupon, at 5:00 p.m., the [17] deposition of JOHN KENT COOKE was [18] adjourned.)

Lawyer's Notes

1

1 137:5, 8, 14; 138:13;
139:7; 182:11; 195:9;
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13; 199:6, 16, 19; 200:5, 9,
10, 14, 17, 21; 202:4;
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Lawyer's Notes

COPY

CONFIDENTIAL EXCERPTS **CONFIDENTIAL**

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

- - - - -x
In re Registration No. 1,606,810 :
(Redskinettes), Registered :
July 17, 1990, :
Registration No. 1,343,442 (Skins) :
Registered June 18, 1985, :
Registration No. 1,085,092 :
(Redskins) :
Registered February 7, 1978, :
Registration No. 987,127 :
(The Redskins & Design) :
Registered June 25, 1974, :
Registration No. 986,668 :
(Washington Redskins & Design) :
Registered June 18, 1974, :
Registration No. 978,824 :
(Washington Redskins) :
Registered February 12, 1974, : Cancellation
and Registration No. 836,122 : No. 21,069
(The Redskins - Stylized Letters) :
Registered September 26, 1967 :
:
SUZAN SHOWN HARJO, RAYMOND D. :
APODACA, VINE DeLORIA, JR., : CONFIDENTIAL
NORBERT S. HILL, JR., MATEO : EXCERPTS:
ROMERO, WILLIAM A. MEANS, and : PAGES: 109-111,
MANLEY A. BEGAY, JR., : 124-134
:
Petitioners, :
v. :
:
PRO-FOOTBALL, INC., :
:
Respondents. :
- - - - -x

Washington, D.C.

Tuesday, March 26, 1996

BETA

1 Deposition of

2 JOHN KENT COOKE

3 a witness, called for examination by counsel for the
4 Petitioners, pursuant to notice of counsel, held at
5 the law offices of Dorsey & Whitney, Suite 200, 1330
6 Connecticut Avenue, N.W., Washington, D.C., beginning
7 at 10:05 a.m., before Monica A. Voorhees, RPR/CSR and
8 notary public in and for the District of Columbia,
9 when were present on behalf of the respective
10 parties:

11
12 APPEARANCES:

13 On behalf of Petitioners:

14 MICHAEL A. LINDSAY, ESQUIRE
15 STEPHEN R. BAIRD, ESQUIRE
16 Dorsey & Whitney
220 South Sixth Street
Minneapolis, Minnesota 55402
(612) 340-2600

17
18 On behalf of Respondents:

19 JOHN PAUL REINER, ESQUIRE
NADINE P. FLYNN, ESQUIRE
White & Case
20 1155 Avenue of the Americas
New York, New York 10036-2787
21 (212) 819-8200
22

1 BY MR. LINDSAY:

2 Q Did Mr. Morse ever sue the Washington
3 Redskins?

4 A There was a lawsuit, yes.

5 Q Where was that case brought?

6 A Here in Washington.

7 Q When was that?

8 A In the late '80s, as I recall.

9 Q Has that case now been resolved?

10 A It was resolved.

11 Q When was that?

12 A In the late '80s.

13 Q How was it resolved?

14 A I believe it was settled.

15 Q Did the settlement involve payment to Mr.
16 Morse?

17 MR. REINER: I object to the question. Was
18 there any stipulation of any confidentiality or
19 anything?

20 THE WITNESS: Yes, there was.

21 MR. REINER: All right. I didn't know this
22 myself, Counsel. But if there was, I caution you

1 that you may not breach any confidentiality --

2 THE WITNESS: I've already done that.

3 MR. REINER: -- entered by a Court or
4 anything. I don't know the answer to any of these
5 questions, Counsel. I'm just cautioning the witness.
6 You have an obligation to abide by anything that was
7 done in a legal proceeding as part of a settlement.

8 THE WITNESS: Then I think all this
9 testimony is my mistake in not telling you about
10 that.

11 MR. REINER: All right. Then I would move
12 that we have this part of the transcript deemed to be
13 sealed under a secrecy provision, Counsel.

14 MR. LINDSAY: That's fine.

15 (Counsel conferred with witness)

16 BY MR. LINDSAY:

17 Q Who represented the Washington football
18 team in that matter?

19 A Hogan and Hartson.

20 Q What individual lawyer?

21 A Bob Cave.

22 Q C-A-V-E?

1 A Right.

2 Q Who represented Mr. Morse?

3 A I don't recall.

4 Q When you say that the case was brought here
5 in Washington, do you mean within the District of
6 Columbia as opposed to one of the surrounding States?

7 A It was in the District of Columbia and
8 whether it was a -- may I?

9 MR. REINER: Yes, let me speak with you.

10 (Witness conferred with counsel)

11 THE WITNESS: It was in the District of
12 Columbia, but I'm not sure if it was in the Courts or
13 if it was an administrative agency here.

14 BY MR. LINDSAY:

15 Q When you say administrative agency, is
16 there a particular type of agency you have in mind?

17 A I don't remember the actual charges that he
18 filed or whom he filed them with.

19 (End of Confidential Portion)

20 * * * * *

21

22

1 (John K. Cooke Deposition Exhibit No.
2 2 was marked for identification)

3 BY MR. LINDSAY:

4 Q Sir, I am showing you what has been marked
5 as John K. Cooke Exhibit 2. Could you please review
6 that document.

7 (Witness examined document)

8 BY MR. LINDSAY:

9 Q Have you completed your review?

10 A I've read the document.

11 Q The author purports to have been signed by
12 yourself. Did you, in fact, sign it?

13 A Yes.

14 Q And you wrote the letter?

15 A I did.

16 Q Does that refresh your recollection as to
17 whether you took any steps to effect the perception
18 of the author of Exhibit 1 that Mr. Williams was a
19 mascot of the Washington football team?

20 A I pointed out to Susan Fletcher in this
21 letter that he was not the official mascot of the
22 Redskins.

1 Q The letter also purports to have enclosed a
2 press release; do you see that, or excuse me, an
3 article from I believe the Washington Star?

4 A Yes, I see that.

5 Q Do you still have a copy of that article?

6 A I don't have a copy of that article.

7 Q Other than sending the letter, did you take
8 any steps -- excuse me, the letter marked as Exhibit
9 2, did you take any additional steps to effect the
10 perception of the author of Exhibit 1 that Mr. Zema
11 Williams was a mascot of the Washington football
12 team?

13 A I don't recall.

14 (John K. Cooke Deposition Exhibit No.
15 3 was marked for identification.)

16 BY MR. LINDSAY:

17 Q I'm showing you, sir, what has been marked
18 as John K. Cooke Exhibit 3. Would you please review
19 that document.

20 (Witness examined document)

21 THE WITNESS: I've read the document.

22 BY MR. LINDSAY:

1 Q The document purports to be addressed to
2 you; do you see that?

3 A It is.

4 Q Did you, in fact, receive the document on
5 or about the date that it bears?

6 A I did.

7 Q Was it an accurate report of the benefits
8 that the Washington football team had been providing
9 to Mr. Williams up until that time?

10 MR. REINER: Object to the form of the
11 question.

12 Would you read it back again, please.

13 (The reporter read the record as
14 requested.)

15 MR. REINER: Still object, but you may
16 answer it.

17 THE WITNESS: As I recall, we found out
18 this would be the case.

19 BY MR. LINDSAY:

20 Q Who was the author of Exhibit 3?

21 A Paul Denfeld was the director of stadium
22 operations, following Dale Morse, I believe.

1 Q Had you asked him to collect information
2 with respect to Mr. Williams?

3 A No.

4 Q How was it that Mr., I'm sorry, Demfeld was
5 his name?

6 A Denfeld, D-E-N-F-E-L-D.

7 Q How was it that Mr. Denfeld came to provide
8 you with the information?

9 A He says in his letter, Nate Pope from NPC
10 and Associates (the relation to Chief Z I do not
11 know) called and asked if Chief Z will have the same
12 rights and privileges as he had last year.

13 I asked what these rights were and Mr. Pope
14 said, he goes on to say, the free admission into the
15 stadium, access to the field at any time, free
16 parking (much to my surprise). I will do whatever
17 you wish with regards to this matter, but I would
18 prefer to limit Z to -- Chief Z to the stands. That
19 is, if you decide to allow him into the stadium at
20 all.

21 Please advise. I think it speaks for
22 itself, sir.

1 Q Just so we are clear, sir, the last few
2 sentences that you have spoken are either a quotation
3 from the letter or a paraphrase thereof?

4 A I read the letter.

5 Q Do you have any understanding, sir, as to
6 why Mr. Denfeld felt that he should advise you of
7 this matter rather than making the decision himself?

8 A Yes.

9 Q What is your understanding?

10 A My understanding is that he was surprised
11 that this fellow received these things and he wanted
12 to advise me right away to that effect.

13 Q Did you take any steps to eliminate all or
14 any of those benefits?

15 A Yes, we did.

16 Q Which benefits were eliminated?

17 A All of them.

18 MR. REINER: Counsel, I just note for the
19 record that these were confidential documents that
20 were produced under a stipulation of confidentiality
21 Order. I think they should be deemed under that
22 Order for purposes of this deposition as well as this

1 part of the transcript relating to these documents.

2 MR. LINDSAY: That's fine, subject, of
3 course, to our position that we don't believe that
4 the documents are confidential, but I understand that
5 the Order makes provision for the actions that we
6 should take if we disagree with your statement.

7 MR. REINER: Whatever the Order says the
8 Order says, Counsel. I'm just pointing it out for
9 the record what these documents are and I just am
10 asserting for the record that these should remain
11 deemed confidential under the Order and that this
12 testimony be treated as sealed and confidential under
13 the Order until there is a further Order of the TTAB.

14 (John K. Cooke Deposition Exhibit No.
15 4 was marked for identification)

16 BY MR. LINDSAY:

17 Q Sir, I am showing you what has been marked
18 as John K. Cooke Exhibit 4. Please review the
19 document.

20 (Witness examined document)

21 MR. REINER: I just want to note again for
22 the record that this document is also marked

1 confidential and was produced subject to the Order
2 and that any testimony with respect to it would be
3 deemed to be under seal until such time as there is a
4 supplemental or another Order of the TTAB. I have
5 no -- I don't know what the pending question is, but
6 in any event, here it is in front of you.

7 BY MR. LINDSAY:

8 Q Have you completed your review of Exhibit
9 4, sir?

10 A I've read the letter.

11 Q First of all, who is the signer of the
12 letter?

13 A I am.

14 Q And you, in fact, wrote the letter?

15 A I did.

16 Q In the, I believe it is the second
17 paragraph, sir, at the end, there is a statement --

18 A Second to the end?

19 Q No, second paragraph of the letter. At the
20 end of that paragraph I believe there is a statement
21 to the effect --

22 MR. REINER: Excuse me, Counsel. There are

1 four paragraphs, which one are you talking about?

2 BY MR. LINDSAY:

3 Q Actually --

4 MR. REINER: Is it the third paragraph in
5 the letter?

6 MR. LINDSAY: Why don't you provide the
7 letter back to me.

8 MR. REINER: I'm afraid the record got a
9 little bit confused, that's all.

10 BY MR. LINDSAY:

11 Q Sir, I will read to you from the second
12 paragraph of the letter. In fact, I will read the
13 entire second paragraph.

14 "Frankly, I am surprised that Mr. Williams
15 has received free admission into the stadium, free
16 parking, and access onto the field. Surprised,
17 because it was expressly forbidden by me two years
18 ago."

19 And I will ask you now to review that
20 second paragraph so that you have it in mind.

21 (Witness examined document)

22 THE WITNESS: I've read the second

1 paragraph.

2 BY MR. LINDSAY:

3 Q First of all, sir, is it your testimony
4 that as of two years prior to the date of Exhibit 4
5 you had forbidden the extension of each and every one
6 of the benefits listed in that letter?

7 A I don't recall what I forbade.

8 Q Had you forbidden, let's go through them,
9 had you forbidden free tickets?

10 A I don't recall what I forbade.

11 Q Had you forbidden free parking?

12 A I don't recall.

13 Q Had you forbidden access to the field?

14 A I don't recall.

15 Q Was there some writing in which you
16 expressed your prohibition?

17 A I don't recall.

18 (John K. Cooke Deposition Exhibit No.

19 5 was marked for identification.)

20 BY MR. LINDSAY:

21 Q I am showing you what has been marked as
22 John K. Cooke Exhibit 5. Would you please review the

1 document.

2 (Witness examined document)

3 BY MR. LINDSAY:

4 Q Have you completed your review?

5 A I have read it.

6 Q Are you the author of Exhibit 5?

7 A I am.

8 Q Sir, did you write Exhibit 5 in your
9 capacity as executive vice president of the
10 Washington football team?

11 A I did.

12 Q And just so our record is clear, sir, if
13 you could place Exhibits 3 and 4 in front of yourself
14 again. I just want to make sure your answer is the
15 same.

16 Did you write Exhibit 3 in your capacity as
17 executive vice president of the Washington football
18 team?

19 A Exhibit 3?

20 Q Yes, sir.

21 A No, I did not.

22 Q I may have misspoken as to the numbers.

1 Did you write Exhibit 2, my apologies, I did
2 misspeak. Did you write Exhibit 2 in your capacity
3 as executive vice president of the Washington
4 football team?

5 A I did.

6 Q Did you write Exhibit 4 in your capacity as
7 executive vice president of the Washington football
8 team?

9 A Yes.

10 Q Did you receive Exhibit 1 in your capacity
11 as executive vice president of the Washington
12 football team?

13 A I received a copy of that letter, yes.

14 Q Sir, in Exhibit 5, again, there is a
15 reference in the final paragraph to making an offer
16 to Mr. Williams and his talent agency; do you see
17 that?

18 A I do.

19 Q Did you personally make that offer?

20 A I don't recall.

21 Q Setting aside whether you recall if you
22 personally made the offer, was the offer made orally

1 or in writing?

2 A I don't recall.

3 Q What was the substance of the offer?

4 A This letter states that we offered a single
5 seat to Mr. Williams, as long as he would stay in the
6 stands, as other fans do.

7 Q Did the offer made to Mr. Williams impose
8 any other restrictions on his behavior, other than
9 that he stay in the stands?

10 A I don't recall.

11 Q Are there any documents from which you
12 could refresh your recollection as to the terms of
13 that offer?

14 A I don't -- I don't know.

15 (End of Confidential Portion)

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CERTIFICATE OF SHORTHAND REPORTER -- NOTARY PUBLIC

I, MONICA A. VOORHEES, the officer before whom the forgoing deposition was taken, do hereby certify that the witness appeared before me, and the testimony of said witness was taken by me stenographically and thereafter reduced to print by means of computer-assisted transcription by me; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to this litigation and have no interest, financial or otherwise, in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this

20th day of March, 1996.

Monica A. Voorhees

Notary Public, in and for the
District of Columbia

My Commission Expires:

April 30, 2000